

PATRICK HENRY

The Voice of Freedom

FIRST PRINTING

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PREFACE

BECAUSE too many know too little about the man who, more than any other, dramatized the idea of liberty which led to the American Revolution, I have undertaken this study of the life and times of Patrick Henry. Americans are familiar with his name, but only as that of a patriot who once pleaded for liberty or for death. Among the better informed, his opposition to the Constitution and his ultimate adherence to the Federalists appear as an incomprehensible turn to the right. Some, prejudiced by the innuendoes of Jefferson, harbor a suspicion of the man or even a downright antipathy. The truth about these criticisms should be known; their accuracy or falseness determined in the light of modern scholarship, the legend made fact or forever destroyed.

I have attempted to weave the career of Patrick Henry into the fabric of the Revolution, for he was one of those who both helped create it and who was created by it. The War of Independence might have occurred without him, for the historic forces of the eighteenth century were not to be denied, but it is quite certain that he at least hastened its inception and contributed mightily to its success. Starting with none of the advantages of blood or wealth or learning possessed by most of the Founding Fathers, Patrick Henry first raised the cry of liberty and led Virginia, the foremost colony of the new world, through the struggle for independence. No immaculate hero, he could play politics with the best (or the worst) of his opponents. But he was a fascinating man who strove magnificently to incite a revolution and to win it.

That Patrick Henry has been neglected by biographers is partly his own fault. His great contemporaries left behind them oceans

of words, but except for a few letters and official documents, Henry wrote almost nothing which has survived. He was not a writer; he was a speaker, the voice of the Revolution, the tocsin of liberty, the "Forest-born Demosthenes," as Lord Byron called him; a vital and exciting man who made liberty articulate and rebellion popular.

In these bleak days, when liberty has barely escaped the gallows, and is still in peril, the life of Patrick Henry and the story of his era have fruitful and sober meaning for all who love freedom. For us there are also lessons of a peculiarly pertinent nature in the struggle of Patrick Henry against the Constitution, in his insistence on the supremacy of the State, and in his final acceptance of the principle of Federal Sovereignty. Some readers may even detect an analogy, perhaps even a similarity, between his arguments before the ratifying convention and those advanced today by some of the delegates of the United Nations. The analogy can be pressed too far, and the similarity oversimplified. Yet, in essence, the debates of 1788 and 1947 have a certain nuclear relevancy one to the other.

I am indebted to so many people for their truly generous aid that it is impossible to name them all. But I must express my profound appreciation to the following for their many helpful suggestions and kindly interest: Dr. Douglas Southall Freeman, Mr. Virginius Dabney and Mr. David L. Mays, of Richmond, Virginia; Mr. Clarence Taylor, of Hanover Court House; Judge Leon Bazile, of Elmont, Virginia; Mr. Guy Stanton Ford, Secretary of the American Historical Association; Dr. William J. Van Schreeven, Head Archivist of the Virginia State Library; Dr. Carl Bridenbaugh, Director, and Dr. Lester J. Cappon, Librarian, of the Institute of Early American History and Culture; Dr. St. George L. Sioussat, Chief of the Division of Manuscripts, Library of Congress; Miss Bess Glenn, of the National Archives, Washington, D. C.; Mr. John Wakefield, of the Ingersoll Memorial Library, Brooklyn, N. Y.; and the staffs of the Brooklyn Public Library, the New York Public Library, the Morgan Library, the

Yale University Library, Widener Library at Harvard, the Cornell University Library, the New York Historical Society, the Congressional Library and its Manuscript Division, the Virginia State Library, the National Archives, the Library of William and Mary College, and the Patrick Henry Memorial Foundation of Richmond, Virginia.

For his long hours of labor with me, I am grateful to Dr. E. G. Swemm, Librarian Emeritus of the College of William and Mary, without whose expert help I might never have been able to read all the faded manuscripts committed to his watchful and loving care. And it is with a deep sense of gratitude that I acknowledge the editorial swordsmanship of Mr. Robert Newton Linscott, of Random House. I acknowledge with thanks the helpful suggestions made by Dr. Dumas Malone of Columbia University after reading the proof of this volume.

To Dr. Henry Harrison Simms, of Ohio State University, Dr. S. Dennison Terr, Resident Head of the Department of History, Sampson College, Sampson, N. Y., and my daughter, Mrs. Muriel Klein, for their reading of various drafts of the manuscript and their numerous suggestions as to its improvement, my sincerest thanks.

Finally, a word about Professor Allan Nevins. At his suggestion, and with his unfailing encouragement, this work was begun and carried through despite many obstacles. His uniform kindness, his fine courtesy, and his continuous interest in this book have been of inestimable value to me, a tyro in historiography. If the published volume shall prove not too disappointing to him and to those others who have contributed so richly to its completion, I shall be content.

JACOB AXELRAD.

Sampson College,
Sampson, New York
March, 1947

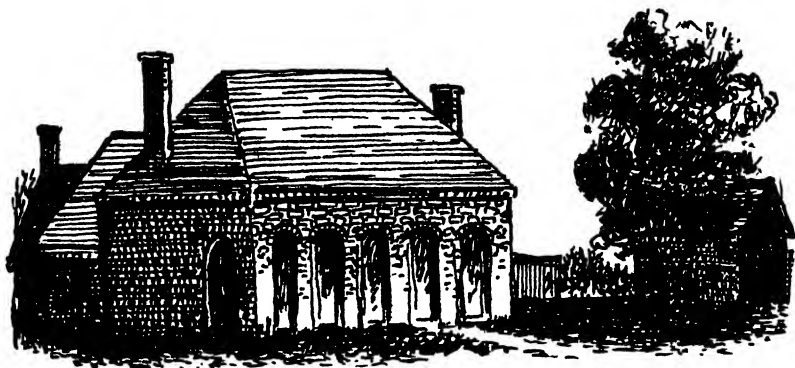
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PATRICK HENRY

The Voice of Freedom

PART I



A Man and an Empire

[I]

THE sun was setting over the low, flat plain of Hanover as a horseman, tired after many hours of riding, stopped at the turn of the locust-lined road that led to the Studley Farm. Around him, in the half glow of an October evening, spread the dark and impenetrable forest of the Tidewater.

Colonel William Byrd, the aristocrat of Westover, knew that at the end of the road was a house where, according to a custom honored in all Virginia, a lonely traveler would find a bed, good food and a cordial welcome. He had been told that at Studley Farm he would also find the widow Syme, a gracious hostess in whose charming company he could profitably spend a few hours of sprightly talk.

Illustration above: As the Hanover Court House appeared when Patrick Henry made his famous speech in the Parson's Cause.

Sarah Syme had lost her husband, Colonel John Syme, scarcely a short year before. Still young, she was the mistress of Studley, a small farm worked by a few slaves, and a frame house that stood in a fine clearing. In the year 1732 this was an attractive portion for an attractive widow who had recently lost one husband and was already seeking another. In a land of vast spaces and great, deserted vistas, no one would willingly live alone.

The widow Syme thought that the tall, distinguished-looking man who stood in her doorway, smiling and bowing with the gallantry of a cavalier, had come as a suitor. He was one of the greatest landowners of Virginia, the founder of the town of Richmond, and a man of great wit and learning. His library was the best in all the colonies. And he liked to write, to note down his impressions of people and places. He noted them down after a pleasant evening at the Studley Farm to which he came, not as a suitor, but as a guest.

From him we learn that the widow's small son, William, "had the strong features of his sire, not softened in the least by any of hers." And we learn also that the lady herself had "less reserve than most of her country women," though "it became her well and set off her other agreeable qualities to good advantage." Then he continued: "She was a portley, handsome dame" who "seemed not to pine too much for the death of her husband." This was evident to Colonel Byrd as "we tost off a bottle of honest Port, which we relished with a broiled chicken."

When he left the next morning, which was Sunday, the gig was hitched and Sarah, with William, her son, and John Henry, her late husband's helper, went to church.

Like Sarah Syme, John Henry was a devout Anglican. More than that, he knew the Bible from cover to cover. He lacked the learning of the man who had just left Studley, but he could readily quote from the Latin, and Sarah was impressed by the ease with which he translated the verses of Horace.

In Tidewater Virginia—indeed, anywhere in the colonies—few besides the gentry possessed such knowledge. John Henry, like

Sarah's late husband an immigrant from Aberdeen, Scotland, had no fruitful lands, no fine mansions, no blooded horses, no slaves; but neither did he have the loose levity, the easy virtue, the stormy sensuousness of so many of the young bloods of the southland. He was of a serious and studious nature. He spoke little, worked hard, was always impeccably correct in his manner and bearing, and never convivial. He was not like the other young men who might have courted her—those who were too often bent on pleasure, seeking the diversions of the moment, pursuing the pastimes of the day with little thought of the future.

John Henry had no diversions, unless his surveying for the county could be called one, or his drilling of the regiment. He could not afford those lighter moments which Sarah would have enjoyed herself, if widowhood had not enjoined their indulgence. John was simple, he was forthright, he was perhaps a bit dull. But he was a good man, and he would make a good husband if not a romantic one. He was faithful to his God and his King; he was "respectable"; he was "solid"; he was "plain," and he was amiable. She might wait a long while and do much worse. A few months after her error concerning the intentions of Colonel William Byrd, she made known her intentions concerning John Henry. They must have been agreeable enough to him, for soon they were married, and Studley, recently bereft of one master, acquired a new one.

It was a good marriage. The bride's people were the Winstons of Hanover, plain and hard-working people, who had little more than a sturdy pride and a tough independence.

Mary Dabney, her mother, was of French Huguenot descent, while Isaac Winston, her father, was a Welshman. They liked to enjoy life, to play as well as work. Old man Winston would rather go off fishing or hunting than keep his nose in a book, a trait which his son William developed at an early age. William would get through his chores as quickly as possible and then decamp to the mountains for a visit with his Indian friends. As he grew older he spent most of his time with them, dressing as

they dressed, hunting with them, talking to them, living with them the simple, free, untrammelled life of the red man. They were impressed by the youth who had a glib tongue. He could speak like a born orator.

John Henry's family was perhaps more learned, although John was the last man to speak of it. All that he could boast of—though he never boasted—was his cousin, David Henry, the editor of the *Gentlemen's Magazine*, and William Robertson, another cousin, who was the Principal of the University of Edinburgh.

Yes, the match was a good one, and neither Sarah Syme nor John Henry would ever have cause to regret it. The new master of Studley did not, it is true, care much for the "Estate" which it was now his portion to administer. For four years he labored to wring a living from its exhausted soil and then moved to his own farm at Rocky Mills, leaving Studley to its own resources. By that time there were the first of a numerous progeny; two boys, the only sons they were to have. The first one was named William. The other, Patrick, was born on May 29, 1736.

[2]

The Old Dominion, oldest of all the colonies, was a vast territory. Chartered in 1609, Virginia was first in size, first in population and first in political importance of any of the British colonies. The Tidewater, flat and sprawling to the Atlantic; the Piedmont country, banked against the mountains; the broad valley between the Blue Ridge and Allegheny Mountains; and the Trans-Appalachian wilderness which contained land that would become West Virginia and Kentucky—all this was an empire in itself, though only the colony of an empire. And the influence, the power, the wealth of the colony were in the Tidewater, where slaves gathered the luxuriant tobacco crop which grew on great plantations. The manorial homes with their fine furnishings, the refinements of the old world and the political prestige of the

new were built on tobacco. Little else was cultivated there, for the weed was a most profitable crop, in great demand overseas, and a steady medium of exchange for almost all other commodities, colonial and foreign. Tobacco was as good as cash; often, it was the only cash.

Hanover County was on the edge of the Tidewater. The town of Hanover, hardly more than a hamlet, was the county seat. It was much nearer Richmond than Williamsburg, the capital of the colony.

Studley was as isolated as most of the other farms in Hanover, and even more so than those located near some stream of water, which afforded a highway. That was why John Henry preferred Mount Brilliant, his farm at Rocky Mills. The house was larger than Studley, it was roomier, though otherwise there was little to choose between them. But it stood close by the South Anna River, a shallow stream, to be sure, yet not far off flowed the deeper, broader waters of the Pamunkey. And further on, these reached the York after merging with the Mattaponi, finally to empty into Chesapeake Bay.

For the growing boys it was a paradise that Studley could never be, for what were boys to do without a bit of water in which to cool their energies? John Henry felt more at home there, too, for it was his own, built by his labors and not those of another, and it was more like the house he had left behind him in Scotland. Of equal importance, his beloved brother, the Reverend Patrick Henry, lived nearby. He had just been made the rector of St. Paul's Parish.

The mistress of Mount Brilliant had brought John Henry some exhausted land and a few slaves. But she had compensated by giving him two sons already; in the new home she would bless him at regular intervals with many daughters—with Jane and Sarah, Susannah and Mary, Anne and Elizabeth and Lucy.

It was all John could do to feed them. To educate them was an even greater problem. Not only were there no free schools in Hanover; there were few schools of any kind. Teachers were

scarce. Now and then an advertisement would appear in the *Virginia Gazette* for "a sober person of good morals capable of teaching children to read English well and to write and cipher." Another one would ask for "a single man capable of teaching Greek, Latin, and the Mathematicks." Usually it was a private family of means that sought these men, though occasionally a school would want them for its students—those who could pay a thousand pounds of tobacco for a year's board in addition to the eight hundred and forty pounds required for books and tuition.

All this was quite impossible for John Henry. Young Patrick did have a few years at a "common English school," but the teaching was so poor, and the discipline so lax, that he was withdrawn by the time he reached the age of ten. After that he never attended school again. John Henry decided that henceforth he himself would be the teacher. There were a few other students as well, for John needed the extra money which they brought him. They did not learn much, perhaps, but they did achieve some knowledge of the classics, with a bit of Latin and mathematics thrown in, and a smattering of history and geography. For the boys this was ample. The girls needed even less. Women of all classes had their duties strictly prescribed by habit and custom, their lives and destinies fixed by station and training. It was a man's world as a humorless poet of the day pointed out.

"A woman's noblest station is retreat:
Her fairest virtues fly from public sight."

Despite his father's efforts to instill in him a love of learning, Patrick had a greater love of the life outside the classroom and would desert it with disconcerting frequency. At such times he would roam the woods with a flintlock, or loaf on an embankment, hopefully throwing a line into the South Anna. Learning was a nuisance. Between the discipline of John Henry, and the stricter admonitions of the Reverend Patrick, the lad did learn to read Livy and Virgil in the original. What else he learned

is a matter for conjecture. But in the five years which he spent under the tutelage of his father and his uncle, he acquired a love for Latin; he could read the Bible and remember much of it, too, though he spoke his native tongue as if there were few rules of grammar and even fewer of syntax. It may have been only mimicry when he pronounced his words as if he were a heathen. "Naiteral parts is better than all the larnin' upon yearth," he said.

At fifteen, the slight, blue-eyed, dark-skinned boy with the long nose was as raw in his appearance as in his speech. If his trousers were not too badly torn it was of no consequence to him that they were very dirty. Mother saw to it, at least, that his linen and stockings were neat and whole. With a house full of children, Sarah was always busy keeping things straight and tidy. It was a difficult task in the small home, which seemed perpetually crowded and cluttered, and where a lad could not properly stretch himself nor move about with freedom.

Like all boys, Patrick wanted freedom. There was also an inner urge, an impatience with accepted rules that prescribed one's conduct and beliefs, rules that were sacrosanct because they were old and unchallenged. One had to find freedom in oneself, dig it out of one's own life and experience, like some precious treasure that is mined from the earth in toil and in sweat. Books might be guides to that treasure. Boys must find their own way, fashion their own lives, and win their own freedom. And you had to begin early, for it took a long, long time to get it.

The boy of fifteen had not arranged his thoughts so clearly, nor did he pursue them so deeply. He was a serious lad, who had had, for his time and station, an intensive and basic education in the classics and religion. For a poor lad it was a good education, better than most boys received. For young Patrick, the efforts of his father were perhaps pointed up and given added meaning by the labors of his uncle, the rector of St. Paul's. The Reverend Patrick Henry had taken pains to teach the young man, who seemed so careless of any teaching, the moral basis of the good life. He taught him "To be true and just in all my

dealings. To bear no malice nor hatred in my heart. To keep my hands from picking and stealing. Not to covet other men's goods; but to love and labor truly to get my own living, and to do my duty in that state of life into which it shall please God to call me."

Those were good thoughts to mull over as one lay stretched on one's back looking up through the branches of some towering tree at the blue sky, or as one leaned against the slope of the riverbank waiting for the fish to bite. There were other things to think about too. Patrick had listened to the sparkling speeches of the Reverend Samuel Davies, a gifted and fearless divine, whose words were those of freedom though they dealt with the teachings of God. Samuel Davies was lashing out against the lawsuits which were being brought to harass the dissenters among the clergy. They had no license to preach or to hold assemblies, yet they persisted. They needed no license, they said.^a Davies had proclaimed that all men had this right, even the non-conformists. He was looked upon as the champion of civil as well as religious liberties in the colony, and Patrick did not agree with his uncle who thought that all dissenters were interlopers without legal right to interpret Holy Writ. Patrick himself had studied the Bible, and he had read *Butler's Analogy*. From them, and from men like Davies, he had learned nothing that prohibited a man—any man—from speaking his mind freely. God was not the peculiar possession of any man, nor His teachings the private preserve of any sect.

The lad was serious, but he was not solemn. He had a lighter side that loved fun and the companionship of others who also loved it. There was in him a deep fund of gaiety, expressed in an indeterminate smile that often played about his angular features or lit up his deep-set blue eyes. Sometimes it would become

^a Davies, one of the greatest preachers of that or any time, did have a license. By virtue of the Toleration Act of 1699, the Presbyterians were also licensed in Virginia. The Baptists, denying altogether the right of the colony to require a license to preach the word of God, refused to apply for any. Other dissenters, increasingly, also refused.

audible—even physical. In moments of play it was fun to tip over a friend's canoe, or tangle your line with his as the fish caught on the hook.

But even more he loved to listen to some eloquent speaker—a speaker like Davies—whose words flowed like water from a spigot. He remembered these words, not only for their meaning but also for the manner of their delivery.

There was a knack to speaking, a certain rhythm, like the ebb and flow of the tides, that he wanted to learn. Speech, he thought, was man's greatest gift. The Reverend Samuel Davies had opened new vistas where he had few, or none at all, before.

[3]

Childhood, for the poorer classes, came to an early end in the colonies. Lads like Patrick Henry could not afford a higher education; to make a living they must be apprenticed to some trade. But what did Patrick know that was useful in the business of making a living? During an illness he had learned to play the fiddle and the flute; he had a retentive memory—he could recall long passages from the Latin books he had studied under his father's tutelage or his uncle's prodding; he had, at any rate, a nature more serious than that of his older brother, William, who idled enough to be called "dissipated," though there were precious few opportunities for poor people to have a good time in colonial Virginia. Even with these accomplishments, it was only too clear to John Henry that his son Patrick could do nothing practical.

So that he might learn something useful, Patrick was apprenticed for a year as a clerk in the country store. It was scarcely a sufficient length of time to make him a businessman, though John Henry thought that it was adequate for the purpose he had in mind—the setting up of both his sons as independent tradesmen. It was surely worth trying, since there was nothing else they could try. The brothers were glad enough of the chance to prove

themselves in the little hilltop country store overlooking the creek, near Hanover Court House.

A country store. It was then what it is now—the sounding board of opinion, the sluice through which flowed the ideas that had few other channels of expression, the stage on which many curious plays were enacted. One might only need some sugar, a piece of calico, or a measure of molasses. Fellowship was also needed—and the opinions of one's neighbors. Here they were to be had, and with them a glimpse of human nature in its more expansive moments, in those moments when the week's work was done, the Sabbath was ahead, and neighbors had a little while in which to air their opinions and indulge their friendships.

There must have been more airing than business in the country store of the Henry brothers. William had little interest in the venture, while Patrick, though he wanted it to succeed, wanted even more to exchange ideas, to listen to the ideas of others, to learn from them the thoughts that animated the world beyond his own extremely limited horizon. The business did not thrive. Patrick, at least, with meticulous care, made full and detailed entries of what the customers bought. His spelling was poor, but the "buckrum" and the "shew-buckles" found their allotted places in his books together with those other commodities which he spelled indisputably well.^a The spelling was not important, however. What was more important was that the cash received for them never seemed enough to afford replacements, or rent, to say nothing of their labor, for which they received nothing at all.

The truth was that they were not good businessmen and too few of their patrons ever paid their bills. The venture was a failure, and Patrick, with neither money nor prospects, was foot-loose again.

With nothing better to do, he fell in love.

^a Jefferson, wrong in this as in a number of other matters concerning Patrick Henry, said that he kept no books of account. The books are in existence, and are now in the possession of the Virginia State Library.

[4]

Sarah Shelton was a comely lass, "estimable" in every way, and of good stock. Her father, John Shelton, was a small farmer of modest means, who lived with his wife, Eleanor, not far from Mount Brilliant, near the Forks in Hanover. They had a pleasant piece of ground, and their brick home was a substantial one, a story and a half high, with many dormer windows. They also had a few slaves. Eleanor's father, William Parks, had been the founder of the *Virginia Gazette*. Patrick, all things considered, had made a good choice. Sarah would bring him no great fortune, but his own prospects were of the poorest. He had literally nothing, except his frank, open countenance, good to look at though by no means good-looking; his bright blue eyes; and his bent for speech in a soft, insinuating voice that charmed all who heard him.

Patrick was eighteen when he took Sarah Shelton to wife and became the master of a greater fortune than many of his class ever aspired to. From John Shelton he received six Negroes and a stretch of land in "Pine Slash" nearby—three hundred acres of it. Land was plentiful in the vast empire of Virginia, and poor indeed was the man who had none. And even with land, most were poor. John Henry gave what little he could from his own meager store, and the couple began their life together, as so many had done before them, with high hope and willing hearts. Sarah would bear the children—as many as possible—while Patrick would cultivate the soil, seed it to tobacco and lesser crops, and become an independent farmer on his own land with his own slaves. The prospects, though not too rosy, looked promising enough.

But Patrick was no more a farmer than a merchant. He worked hard—harder than anyone could have supposed possible for one who had never been known to overexert himself before. By dint of heavy toil—an experience as new as it was distasteful—he managed to raise a crop of tobacco, and some pigs and cattle.

There was little time for loafing, or for hunting or fishing. After the long hours of labor there was no time left for anything—not even for an interest in the French and Indian Wars that were raging in the colony and elsewhere. Other young men were fighting in these wars. One young Virginian, George Washington, was already making a name for himself in the Old Dominion, with a rousing victory at Great Meadows. Patrick's own father was also a Colonel of Militia, and it would not be long before he would become a judge of the Hanover Court. His Uncle William, a Lieutenant, was rallying his wretched and mutinous men even now at the very frontiers of Virginia against the stronger forces of the enemy. But what of Patrick?

Patrick was only a poor farmer, struggling hopelessly against a barren soil until fate relieved him of the whole sad business. After three years of temporizing with pigs and tobacco, a providential fire swept away his home, his furniture, his stock, and his prospects as a planter.

It was becoming clear to everyone but Patrick that he was a failure in everything he attempted. He was no good at business and equally useless as a farmer. One thing he could do: he could talk. His speech was rough, ungrammatical and inelegant. Jefferson went so far as to call it coarse. But it was picturesque, colorful, alive with anecdote and metaphor, easy and smooth except when he was groping for words, for *the* word. Then he was likely to falter, and stumble, even to stutter for a while, as if he could not speak at all. He could also mimic the weakness—or the strength—of others, and use his eyes, his face, his hands like a born actor. He was good company when the mood of merriment was upon him, but it was seldom that there was any occasion for merriment. At twenty-one he was the father of a child, with another one coming, and with no means at all of supporting his family. The labors of the soil repelled him, and the fire, which was a catastrophe, was also a godsend. He would try once again to make a living in a way that would also leave him the leisure to

loaf at times, to tramp through the woods in search of game, or to fish on the banks of the South Anna.

With the money realized from the sale of some of his slaves, he attempted once more a business he had failed in before and would, in a few years, fail in again. The country store he now opened—alone—was smaller, poorer than the first. In the three years of its lethargic operation, his cash sales came to less than forty pounds. There were credit sales as well, but, as once before, a few forgot to pay while many defaulted because they could not pay. The times were unstable, the French wars had depressed the tobacco market, and the poor folk of Virginia were in a parlous state.

The store was closed. But the sunny temperament of Patrick Henry was not too deeply affected by this latest of his failures. Patrick's propensity for fun had not been greatly dampened by his equal propensity for failure. In the enforced solitude of the colony—a solitude that was due to the vast spaces and the few people who inhabited them—a man was on his own much of the time. He married early, raised a large family, and if he was a gentleman he could indulge in the genteel pastimes of the field. He could ride to hounds, hunt out the fox or raccoon, the wild turkeys or the wilder panthers. The slaves would do the work that had to be done.

But even the common man, if he had a mind to it, could also find the time to do these things—some of them at any rate. If he had the kind of business that Patrick had had; if, in addition, he also had the love of freedom in him, he would escape from his burdens long enough to enjoy the fellowship of other young bloods on those occasions when there was time for fellowship. The lines between the rich and the poor were broad enough, wide and strong enough, to define the limits between them. Yet they were often blurred, often resilient, too, so that at times they merged, or bent, or yielded altogether to the importunities of time and circumstance.

St. Andrew's day was such a time in Hanover County, when sport and merriment were the common right of all, the great and the small, the young and the old, the rich and the poor. On that day, everyone made holiday, all went to the races who could afford it, and many enjoyed "several other diversions," as the handbills announced, which were put on "for the entertainment of the Gentlemen and Ladies." Twenty horses would run the course of three miles for a prize of five pounds, and a twenty shilling hat would be cudgeled for, "none to play with their left hand." Fiddlers would draw the bow for a grand prize, after which "all are to play together and each a different tune." Boys would run for a hat "of the cost of twelve shillings," and there would be drums, trumpets, hautboys, and songs by all and sundry, with sufficient liquor "to clear their windpipes." Good Virginia wine, and stronger drink too, would be indulged beyond the need of any thirst, and some of the merrymakers, some of the gentry themselves, would become helplessly drunk. Gambling with dice was common. The others, those who neither drank nor gambled, preferred to watch the wrestling matches, the beauty contests, to pick the "handsomest young country maid" who should receive a pair of real silk stockings as a prize. There was fun enough for everybody, and a wide choice of "many other whimsical and comical diversions, too numerous to mention."

Christmas was another time. Then, the festive hours were spent inside the home, if the home was one where the means and the space and the inclination for merrymaking were happily joined together. Few homes had them, but the home of Captain Nathaniel West Dandridge, whose wife, Dorothea, was the daughter of Governor Alexander Spotswood, was one of the few. Captain Dandridge was a man of means and generous in his use of them. His name, his wife's name, his fortune—he carried them all with the ease and gentility of the true pioneer. And he recognized the gentility of others, though they had no name, no fortune, nothing but promise.

In Patrick Henry he must have recognized such a promise.

Patrick was a near neighbor, whose talk he liked though it was far from elegant, and whose gaiety was infectious though it belied his present ill fortune. Captain Dandridge knew all about his failures, for he had met the young man often, and often had him to his home, where he played with little Dolly Dandridge.

During the Christmas holidays, Patrick spent many hours at the Dandridge home, where the cares and burdens of his own home were forgotten and shut out completely.

There was another visitor at the Dandridge mansion, one who was as unlike Patrick as could be. Thomas Jefferson was some years younger than the defeated farmer and merchant, tall and thin as a bean pole, with a freckled face and reddish hair, all angles and pointed features, austere and dignified, conscious of his worth and careful of his manner. He met Patrick Henry during the Christmas holidays of 1759 in the Dandridge home, and was not much taken with him. How could he be? Tom was a correct young man of seventeen, well behaved and well spoken, with a fondness for the better families whose circles he cultivated. He prided himself on his scholarship, his studious habits and his prowess with the pen. Sprung from modest if not humble circumstances, he was also a Randolph, of *the* Randolphs of Virginia. He was an aristocrat who had no objections to those beneath him socially, but he knew little about them, and, save in an intellectual way, he had nothing in common with them. Humorous, he was nevertheless intelligent.

Patrick Henry he looked on with a faintly patronizing and supercilious air. He found that his manners "had something of coarseness in them," though he could not help but notice that everybody liked him for his passion for "music, dancing, and pleasantries." Tom had his passions too, but they were held in leash, they were well bred and never abandoned. Perhaps it was because Patrick *could* be abandoned that everybody liked him. They all knew—Tom also knew—of his recent misfortunes, though Patrick acted as if he were entirely unconcerned. He spoke with the same assurance, and acted as if there were no

burdens on his back, as if there were no burdens anywhere at all.

Patrick Henry began to think of his troubles as soon as the holidays were over. Tom had gone on to Williamsburg, and the other guests had scattered to their duties at home or in the field. He, it seemed, had no duties but the pressing one of making a living. His father could not help him, while his father-in-law had troubles of his own. John Shelton would soon have to open a tavern to eke out a livelihood. Each had his own worries and could not be responsible for the growing family of one who seemed born to failure. How was he to succeed, having failed so many times before?

The young man considered the possibilities carefully. And he came to a decision. He couldn't sell anything. He couldn't raise anything. But he could talk.

There was only one business in Virginia in which this peculiar talent could be put to use—perhaps to good use. The law! Patrick Henry decided to become a lawyer.

[5]

Lawyers, in all ages, have been considered the staid and conservative supporters of the status quo. Usually they have flourished under the benign patronage of those whose wealth and position made them the leaders of society. In turn they have been the leaders of a society that honored and enriched them. In Virginia, perhaps more than elsewhere on the continent, they were also men of profound learning and wide culture, leaders in their own right rather than the satellites of other leaders. As members of the aristocratic class which included men of family as well as the large plantation owners, they were concerned for the honor and prestige of their profession, a young one in Virginia, though growing there as in other colonies. Elsewhere, as in New York, the legal fraternity might provide "such restrictions as will greatly impede the lower class of people from creeping in." The class lines in the Old Dominion were less rigid, and the definition of

"the lower class" less restrictive. There, "the lower class" might even aspire to a place in the law-making bodies and the courts of justice. And if they could talk, they might go even further.

It was talk that swayed men to action when action was needed. In a country that was young and untutored, lawyers made themselves the tutors and the guides. Lawyers knew the art of moving men.

Patrick Henry had little thought of moving anything when he decided to become a lawyer. It was one way to support a family, and required little more than the gift of speech, sometimes not even that, and a certain application to study, often only a minute one—as in the case of Patrick Henry himself. After six weeks of reading in Coke on Littleton and a quick perusal of a volume of legal forms, he believed himself ready for the Bar. It remained only to persuade the examiners that he *was* ready.

It was not a difficult task in 1760. Yet, in the spring of that year, when the young man presented himself at Williamsburg for the test, it soon became apparent that the backwoods Solon knew almost nothing of the Law. The elegant and learned Peyton Randolph was inclined to be generous to the plain-clad youth who had a certain charm of manner and a ready tongue, which he used, however, to exhibit an ignorance extraordinary even for a lawyer. Peyton's brother, John, at first flatly refused to hear him out, but finally accepted the candidate's promise to learn later what he obviously did not know now. Patrick did not know a thing about municipal law, or common law, or, indeed, about any law whatever. If he had gleaned any knowledge from his reading it was not apparent in his answers. Yet he could defend the answers he did make with such force and logic that even John Randolph was compelled to confide to his friend Tom Jefferson that the man had genius in him. He went even further. Patrick Henry, he said, "would become an ornament and an honor" to the legal profession. He got his license to practice.

Patrick must have kept his promise to study. Waiting for clients to appear, he carefully read a book of pleas and declara-

tions when he was not helping his father-in-law in the Tavern which he had recently opened in Hanover Court House. In a few months he must have learned enough to take on whatever business might come along.

Quite a lot of business came along, it seems. Before the year was out he had garnered a total of sixty clients, some of whose troubles took him to counties outside his own. Within a few years his practice had grown to such proportions that his fees, while moderate and regulated by statute, were sufficient to support his own family as well as, in part, the families of John Henry and John Shelton. More than that, his reputation also grew. Slowly it spread beyond the confines of Hanover. He was becoming known as a good lawyer, though no one, as yet, considered him a great one.

Greatness, in this or any other endeavor, was furthest from the mind of the budding barrister.

[6]

It was December 1, 1763—a Monday morning. Crowds milled about the court house in Hanover. Something unusual was in the air, some exceptional matter brought people from near and far, even from the most distant corners of the colony. They came in coaches and gigs, in carts and on horseback. The gentry wore their powdered perukes, their velvet breeches and shiny long boots, while the others were dressed in buckskin, coonscap and muddied footwear. There was also a sizable contingent of clergymen, twenty of them, a surprising visitation to a court of law on a Monday morning.

There was good reason, too, for all the commotion. This day would see the resolution of a case that would affect these people, the high and the low, the lay and the clergy, the King's men and those who hated the King. Here, in this brick-floored courtroom, in full sight of the citizens who would stand crowded together

before the bar and the jury, the final step would be taken in a series of events potentially loaded with significance.

The case to be heard that morning had already been all but disposed of before the session began. The question of law had been decided beyond dispute. The court had ruled on it a month before when a statute duly passed by the House of Burgesses had been declared null and void because it had lacked the King's sanction. Without it, few laws were valid and colonial power futile.

The question of the King's sanction was the root of this case. Already answered in other trials, it was again on trial in the Parson's Cause. Did the House of Burgesses need the King's blessing on all that they—the people's representatives—did? Must all their labors for the colony, all their wrestlings with the problems of government, wait upon the endless caprices of a master thousands of miles away, months of time distant, before it was known whether those labors had been in vain, those wrestlings fruitless, those problems solved or hopelessly postponed? The Law? What *was* the Law? The power? *Whose* was the power? The answers to these questions, given, or still to be given, cut at the very basis of colonial government.

Patrick Henry was the attorney for the defense. His task—less juridic than rhetorical—was to uphold the validity of the Twopenny Act, passed by the lawmakers of Virginia and thrown out by the court. The act had fixed the value of tobacco at two pence per pound, for the purpose of standardizing the pay of the clergy in a fluctuating market. In good times the price was high; in bad times, in times like those that prevailed during the French and Indian Wars, it went so low that failure and ruin could result, in an economy based on tobacco and which reacted like a delicate instrument to each change in the size and quality of the crop. To help the poor planters, who were also the debtor class, and to prevent their utter collapse, the legislature had enacted a law—the Twopenny Act—which arbitrarily fixed the fair

value for each pound of tobacco. The wealthy—who were also the creditors—believed that they had been unfairly used. There were questions, not yet resolved, of right and wrong, in the whole business of the Twopenny Act.^a Many believed it was wrong on principle to seek the enforcement of a law that was no law until the King himself had said so. And the King's government had, indeed, already said that it was no law. On the petition of the Reverend John Camm and others of the clergy, the Lords of Trade and the Privy Council in England had declared the Twopenny Act null and void.

Yet the Assembly had defiantly voted to sustain the Act, and to defray all necessary expenses to carry it through the Courts. Some people said the procedure smacked of treason—not, of course, wilful or pernicious, but dangerous as a precedent. If this flouting of royal decree was permitted, what would follow? There had been a great deal of talk, for the most part restrained and tentative, even some pamphleteering, about the whole matter, but no action.

Action, when it came, came only from the parsons. They refused to take the two pence for each pound of tobacco due them in wage. They would take nothing less than the full value of each pound as it was fixed by the Act of 1748—an act approved by the King himself. Then, tobacco had been three times as high as it was under the unconscionable law promulgated by the House of Burgesses. What the clergy demanded, in this suit before the Hanover court, was the difference between their wage as determined by the Act of 1748 and the pittance which the collectors of the levies had set aside under the Twopenny Act. Since they were paid in both instances out of the taxes on the people, they had brought their suit against the collectors

^a The matter was complicated also by the whole question of the currency. With tobacco fluctuating in value, and paper money still less reliable, the only dependable medium was specie, of which there was never sufficient for the purposes of trade. Doubtless Gresham's Law—then as always—was also functioning. Later, the denial by Britain of the colonies' right to issue paper money was an effective spur to Revolutionary rumblings.

themselves. It was a test suit which the Reverend James Maury instigated. On its success or failure, on that first day of December, 1763, depended far more than the pay of the Reverend Maury himself.

James Maury was a good and honest man, who firmly believed in the rightness of his cause. It was hard to get along on the depressed wage fixed by the terms of the Act. A parson had a family to support, often a large family, with little more than the yearly stipend of sixteen thousand pounds of tobacco, paid him in certificates of deposit that were exchangeable in food and clothing and whatever other needs a parson might have. Parson Maury himself had twelve children, and with so many mouths to feed, it was necessary to augment his income by teaching some of the children of the parish. He taught them well, for he was a godly man and a learned one.

The crowd in the courtroom of Hanover had grievances besides this one of the Twopenny Act. These grievances had no apparent connection with the Parson's Cause, unless the ground swell of disaffection with the Reverend James Maury and his lawsuit could be taken as a sign of deeper resentment against the clergy of the Established Church of England. They were members of the privileged classes, living on the taxpayers and charging large additional fees for marryings and burials. And not all of them, by any means, were of the high type of the Reverend James Maury. Not a few of them indulged in fleshly pleasures to a scandalous degree. They could be seen at the races, at the cockfights, as loud and tense as ordinary men. Many of them drank to excess. And their ways with women were far from spiritual. The taxpayers, rich and poor alike, who paid for their profligacy, had little voice in their appointment.^a

There were voices, raised and repeated, against them. But they came from those dissenters, the disciples of the "New Light"

^a The ministers were employed on yearly contracts through the influence of their leading parishioners whose boon companions they were rather than their spiritual advisors.

movement, a movement of preachers who held no license to speak the word of God. Such men as the Reverend William Robinson had begun a new ferment in religious thinking, while others, like the Reverend Samuel Davies, had used their simple and eloquent preachment to induce a higher and sweeter spiritual content into the religion of Virginia. They had insisted on their right to speak freely about religion without the license of those whose sanction they considered worthless.

It was men like these who had stirred the spirit of dissent in Hanover, and the men who crowded into the courtroom were not too friendly to James Maury and his bewigged colleagues who were upholding the King of England against the people of Virginia.^a Until now it had seemed probable that the King's clergy would prevail. The Twopenny Act had been voided. Only the matter of damages remained to be fixed by a jury of twelve men, picked at random, from among those who were found available in the vicinity of the Court House.

The jury, the axis upon which the case now turned, was chosen despite the objection, strongly urged, by Peter Lyons, the attorney for the plaintiff, that they were not "gentlemen." Maury himself maintained that they had been picked from "the vulgar herd." Patrick Henry's insistence that they were honest men could not be challenged, though it was true enough that they were also poor men, with a bias, perhaps, for justice according to the poor. Patrick knew this, and he knew, moreover, that among them were three who were "New Lights," and therefore dependable for the right verdict. All of them were his neighbors in Hanover.

The fight was on. As the three judges entered to take their places on the bench there was silence in the courtroom. The presiding Justice was Patrick's own father. John Henry had been honored for his known integrity and unswerving loyalty to the

^a The Anglican Church "was the church of the representatives of royalty, of the provincial governors, and of those who sought political prominence in the Colonial Assemblies [in the South]."

Crown. His brother, the Reverend Patrick, was not there as he had intended to be. He was against the dissenters, for Maury, and opposed to this new attack on royal power. His nephew, the lawyer for the defense, had begged him to stay away. "I am engaged in opposition to the Clergy, and your presence there might strike me with such awe as to prevent me from doing justice to my clients." Peter Lyons, the foremost lawyer of Virginia, a much older man of wide experience at the Bar, may have overawed him too. As he faced his astute and obviously refined adversary his own immaturity, in age as in learning, in dress as in manner, was apparent to everybody. To John Henry it was almost painful.

It became even more so when his son began his speech to the jury. Either he had forgotten what to say, or could not say what he remembered. His words were halting, he fumbled for them, and it seemed to all in that packed room that the son of the presiding Justice was making a fool and a spectacle of himself. The case, of course, appeared irrevocably lost.

John Henry was mortified. The young man, who had failed in everything he had ever tried, was now about to fail again. As the crowd, the jury, the twenty men on the long bench, glanced from father to son, it was evident that the old man, respected by everyone in spite of his loyalty to the King, was ashamed of his offspring, and was waiting, like all of them, for the young advocate to empty his mind of his drivel and stutter his last words to an inglorious conclusion. Peter Lyons was smiling and confident, though sorry for the amateur who had had the temerity to oppose him. The jury, few of them "gentlemen," were embarrassed and uneasy. With all the good will in the world they were helpless to save the man who had grown up amongst them and was one of their own kind. The parsons were impatient to have it over with.

And then a murmur went through the courtroom like a gentle breeze. Soon it became more audible, like a wind in the rushes. The young man had seemed to rouse himself. Of a sudden he

seemed fired with some inner spark that also set the court on fire. His voice, still hesitant, became firmer and deeper. He paused, but not for lack of words. He had studied his case carefully. He still knew little about the law, but he already knew a good deal about the business of being a lawyer. If the law is against you, talk about something else, perhaps about what the law is not—but should be. If you want to win your case, appeal to men's emotions, even their prejudices; these may be more valid than the law itself. There are natural rights that supersede legal rights, and a natural law that takes precedence over statute law. Besides, in a popular cause, a lawyer who is on the make may also become popular.

Patrick Henry was acting. He had been acting from the start. He was dramatizing his words, his argument; before their eyes, almost visibly, the jury, the judges, all the people huddled together and crowded onto the porch outside, could see the structure of his plea taking form, growing strong, rising majestic to the soft, insinuating music of his voice. He was speaking words they understood, clarifying thoughts they had long believed in and sometimes uttered, the logic of Davies and Robinson, the emotions of the "New Light" and the dissenters, the words of Freedom.

Who was the ruler in the great Colony of Virginia? Was it the King, an alien across the seas, whose dominion too often was only misrule? Or was it the Burgesses, the direct representatives of the people of Virginia? If the King was the father of his subjects, what sort of father was this who denounced a law so needful to the welfare of the common man? If a father betray his children, they owe him no allegiance, and no obedience if he be a tyrant. A Tyrant?

Peter Lyons was no longer smiling. He was on his feet protesting talk like this in his Majesty's courtroom.

"The gentleman has spoken treason!" he shouted; and added, with even more heat, "I am astonished that Your Worships can hear it without emotion or any mark of dissatisfaction."

One of the judges, at least, did hear it with emotion. The tears were running down his face, plain for all to see. He did not approve of the words, but he was proud of his son. Let the lad proceed.

Patrick proceeded. What about the clergy, he asked. What was the province of holy men if not to help the helpless, to succor the stricken and to do God's work on the earth? For them to do less was a sacrilege, to do otherwise a sin not lightly to be forgiven. The parsons had come into court for damages against the very people they were licensed by law and ordained by God to cherish and protect. Though they wore the garb of humility and preached the beauty of charity they were grasping, greedy, worldly men.^a

"We have heard a great deal about the benevolence and holy zeal of our reverend Clergy, but how is this manifested? Do they manifest their zeal in the cause of religion and humanity by practicing the mild and benevolent precepts of the Gospel of Jesus? Do they feed the hungry and clothe the naked? Oh, no, gentlemen. Instead of feeding the hungry and clothing the naked, these rapacious harpies would, were their power equal to their will, snatch from the hearth of the honest parishioner his last hoe-cake, from the widow and her orphan children her last milch-cow, the last bed—nay, the last blanket, from the lying-in woman!"

The twenty parsons, who had come as accusers, were now the accused. As the words of Patrick Henry flayed them, as all eyes glowered at them with contempt, as "he made their blood to run cold and their hair to rise on end," they rose from the long bench with as much dignity as was left to them by the intemperate words of the young lawyer, and left the room. They had heard enough. But Patrick was not finished. He was talking to the jury,

^a Bishop Meade says that in Virginia the moral condition of the Church was never even tolerably good, while Dr. Chandler of Maryland, a defender of the Episcopacy, wrote to the Bishop of London that the character of the clergy of the Established Church was wretched.

not to the parsons. If the jury had only the courage and the wisdom to do its duty, it would uphold the right of the colony to make its own laws without paying any heed to a distant tyrant. Let them strike off their chains, and declare themselves free! If the judges admonished them that they must find for the plaintiff, let them so find. But let the damages be for one farthing, for one single farthing, and no more. That was the case—and the jury must now take it.

The jury took it: damages of one penny was the verdict. Soon other damages would be declared, by this and other juries, in this and other colonies. Damages would be measured not in pennies or pounds, but in men and muskets, in laws and liberties. Now there was a tumult as the crowd swarmed from the court house in Hanover. They were hoisting their young advocate to their shoulders, and bearing him in triumph from the scene of his first victory in the struggle for freedom in America.

Let them say that the man was dangerous. Let Mr. Coates, the leading merchant of the town and a staunch royalist, declare that this kind of talk was worthy of the punishment meted out to Simon, Lord Lovat—on the block; that it “exceeded the seditious and inflammatory harangues of the tribunes of old Rome.” Patrick Henry had only begun to fight.

[7]

The Parson's Cause had made Patrick Henry famous—famous, that is to say, in the little world of Hanover. It was the sort of fame he needed most at the time. He was still the backwoods advocate, his clothes were still the coonskin hat, the buckskin breeches and coat he had always worn, but his speech was more careful, more ready to the tongue, and more confident. He still spent some time hunting, though now he also pored more frequently over the statutes and the common law, over history, the history of Virginia especially. Charters and ordinances, orders and constitutions, the records of proceedings with the mother

country, as well as the Stith volume on Virginia, which traced them from the beginning—all these he studied that he might learn a little of all that he did not know. They were important, too, for a better understanding of the times.

The Parson's Cause had only served to emphasize the troubles with England: it had etched more deeply the discontent that was widespread in the colonies—in Virginia more than elsewhere—with the violations of colonial rights by all the kings of England since the Restoration, "especially by George III," as Jefferson said.

In Virginia, the troubles were as old as the colony itself. From the very beginning, from the establishment of the first settlement at Jamestown, there had been dissension and controversy between the old world and the new. It was in Virginia that the rebellion of Nathaniel Bacon had been drowned in blood; drowned but not altogether forgotten. The land office was still "a sink of corruption," and the power of the favored ones, the enrichment of the royal satraps, was still the first consideration of the rulers of England. Had not Sir Francis Bernard, a royal governor of Massachusetts, once said, as clearly as possible, that "the two great objects of Great Britain in regard to American trade must be to oblige her American subjects to take from Great Britain, only, all the manufactures and European goods which she can supply them with," and "to regulate the foreign trade of the Americans so that the profits thereof may finally center in Great Britain or be applied to the improvements of her Empire"?

The people of the colonies had not agreed to all this—no more in Massachusetts than in Virginia. Here an earlier governor, Dinwiddie, had had more than one occasion to point out that the legislature of the Old Dominion was "obstinate, self-opinionated—a stubborn generation." And since his time little had occurred to change the temper of the lawmakers, the people, or the times. That temper, on the contrary, had become more acid with each new encroachment, with each additional injustice. The spirit of the colonies—as marked in Virginia as it was else-

where—had become an expanding, flowering spirit of curiosity about the power of England to grant or withhold its favors. The old world enlightenment had blown across the seas to the new world; men wanted to know reasons and causes; they began to demand an accounting of rights and wrongs, their basis in law or in reason. The idea of progress was on the march; it had crossed the Atlantic in the works of learned men like Isaac Newton and John Locke. The idea of progress included the rights of man, the rights of all men, of all degrees, in the awakening consciousness of America.

For America *was* becoming conscious of its rights. It was already aware of its wrongs. Had not the Reverend Jonathan Mayhew of Boston made it plain enough when he said that “when once magistrates act contrary to their office; when they rob and ruin the public instead of being guardians of its peace and welfare, they cease to be the *ordinance* and *ministers* of God, and no more deserve that glorious character than common *pirates* and *highwaymen*”? He had even urged the people to resist their prince, to dethrone him, as “the reasonable way of vindicating their liberties and just rights.” The Reverend Mayhew had gone so far as to say that “It would be highly criminal in them not to make use of this means.”

The idea had taken hold. The words of Patrick Henry which had elicited the cries of “Treason, Treason,” had in them the root of the same idea, though the clergy alone had been involved. For a moment his words had stirred the people, and then they seemed to have been forgotten. But they were not forgotten. The seed of liberty, nourished by the impositions of the crown, would germinate with renewed vigor.

So would the reputation of Patrick Henry. He had lost a few of his former clients because of his fight against the clergy, but he had also won some new ones, one of the more important of whom was the same Captain Dandridge who had welcomed him to his home during the Christmas holidays, and whose little daughter, Dolly, found him so pleasant a playmate. Captain

Dandridge had challenged the seat of James Littlepage in the House of Burgesses, and the victor in the Parson's Cause had been retained to press the contest before the Committee on Privileges and Elections. None of the Committeemen knew the young lawyer who was hanging around the capitol at Williamsburg waiting for the hearings to begin; the shabbily dressed person who appeared so listless and unconcerned until his own case was called. Then he was stared at with the patronizing air reserved for those who ventured among them with the intrepidity of ignorance.

But their disdain fell away when he spoke for his client. There was no sound in the chamber but the sound of his voice as he made his argument for the return of Captain Dandridge. It was finer than anything they had ever heard before. They did not agree with him, since the evidence was too weak to warrant an upset of the ascertainable facts. But they would not easily forget him.

In a few months he would be back—and this time they would never forget him.

[8]

The year 1765 was crucial in the history of human freedom. The occurrences that now affected the lives and liberties of men were no isolated events.

From the days of Magna Charta to those of George the Third, events had moved in a devious but inevitable course that led, at last, to the capital of Virginia. From the seed of Jamestown and the root at Plymouth, the tree of liberty had grown many branches; they had spread the length of the Atlantic seaboard and reached the limits of the thirteen colonies. In the Old Dominion these branches had already borne some curious fruit. One was a representative assembly, the first of its kind in America. It had grown a long time back, in 1619, and it still blossomed with unabated vigor. Another was an act, passed in 1624, which

provided that "The Governor shall not lay any taxes . . . upon the Colony . . . otherway than by the authority of the General Assembly."

The question of taxes, like many other questions affecting the trade and commerce between the old world and the new, had simmered through the years. Now it was at the boiling point.

The French and Indian Wars had put a heavy burden on England as well as on the colonies. While the wars were being fought there had been a certain prosperity. All manner of merchandise was high and profitable and specie was plentiful. At the war's end, the structure toppled. Prices fell, unemployment increased, merchants who had made paper fortunes were threatened with bankruptcy, while farmers and planters were encumbered with debts they could not meet. The wars had severely taxed the resources of a struggling economy, while in England, too, the expense of defending the possessions three thousand miles away was greater than the government had foreseen. Touched in the most sensitive spot—the Exchequer—by the loss of revenue, and seeking to replenish it from the source that seemed most promising to the Tories, the old problem of taxes was again considered, again revised, and again extended to lay tribute on the colonists who were already struggling under an intolerable weight of duties and restrictions.

The British had defended the colonies, but the substance and manhood of America had also contributed to the costly and bloody efforts which, in any event, were in the interest of England as much as for the safety of the weak and isolated townships of America. America, a rich source of income and profit to the mother country, had been threatened by the power of France and the hatred of the Indians. There had been at stake not only a vast territory but also an immense trade which had been closely regulated in the interest—if not the sole interest—of England. The colonies had grown strong under the tutelage of Britain, and its Navigation Acts had been a potent force in the expansion of American trade.

But British ships were the only ones that could carry the cargoes of that trade; the English had a monopoly on the purchase of all tobacco, pitch, turpentine, masts and other goods produced in the colonies. Certain manufactured articles were strictly controlled, while others were specifically prohibited. Certain categories of goods could be bought only from the British, and from no one else in all the wide world. Though certain rights were accorded to the colonies, including a protected market in Britain, they did not outweigh the multiple evils of a stupid colonial policy. And now, to help defray the costs of the war, the colonies were to be taxed once again—this time in a new and peculiarly offensive manner.

It was useless for Chatham and Burke to suggest more considerate treatment of the dominions across the sea. Lord Chatham, the man who had successfully waged the French and Indian Wars, was not moved by a supersensitive regard for the colonists when he spoke the words of caution to a complacent and controlled Parliament. He was an empire builder to whom it was apparent that no empire could be maintained in far-off America with oppression as a weapon, though he had little to say against its use as a tool. Burke had been even more outspoken in his appeals for moderation. Neither of them were heeded. George Grenville and Charles Townshend, men with less compelling rhetoric and more forthright notions of imperialism, were the new masters of British policy.

If money was needed, the colonies must produce it. If there was opposition to taxes (everybody was opposed to taxes) then England had the means to enforce them. Until 1764 all taxes had been "external" ones, custom duties that had been onerous enough though not too directly burdensome on the poor. They paid these, but the payment had been so circuitous that the realization of their effect and incidence was felt rather than understood. The more fortunately placed understood as well as felt them, but so long as they too reaped the rewards of commerce they

suffered them to continue. Smuggling was not uncommon; in fact, many "honorable" fortunes were built on the practice.

But the Stamp Tax, this new impost now devised, was like nothing that had gone before. It was direct, personal, immediate, to be known and understood by all, the rich and the poor, the weak and the strong, the great and the small. It was universal; it would drain substance from every man, woman and child in America into the coffers of the treasury in London. At least it seemed so to the people of the colonies, where times were bad already, where suffering was widespread, and complaints were rife because "the country is so excessively poor, that even the industrious, frugal man can scarcely live." The industrious and the frugal had gone through seven long years of the French and Indian Wars; they had piled up a large debt in the defense of their own country, and now they were threatened by still another debt which the mother country sought to impose on them because of those same wars. They bitterly resented the manifest injustice.

That was the temper of the people of the thirteen colonies in 1763. It was a temper of vexation rather than action. It was the temper of James Otis of Boston, who declared himself against the taxes, and of Samuel Adams, who had prepared a protest to denounce them. It was the temper of the Sons of Liberty, organized to oppose them, and of their daughters, too, who would refuse all suitors who favored them.

In Virginia, the House of Burgesses had expressed its disapproval in tangible terms and had even dispatched its vote of censure to England. But nothing had helped to stem the tide that was sweeping the colonies from their imperial moorings. The law not only had passed the Commons; its enforcement had been fixed as of All Saints' Day, on November 1, 1765. The Stamp Tax was the law, and all law-abiding men must observe and fulfill its decrees. That, in any event, was what Otis said; and Otis, according to Governor Hutchinson of Massachusetts, was "a flaming Patriot." Even in Virginia, the hotbed of the opposition, such

leaders as Richard Henry Lee, George Wythe, the Randolphs, and Richard Bland, were cautious in their words against authority and careful to say nothing that might be mistaken for treason.

Treason! That was a dangerous and frightening word, a word seldom uttered and rarely even thought. Many would object. A few would speak with discreetness and caution. But they would not resist.

One man in Virginia would resist. The young lawyer who had spoken treason in the Parson's Cause was now in a position to make his protests known far beyond the confines of Hanover. He had just been elected to the House of Burgesses from nearby Louisa County, "a hotbed of frontier radicalism and Presbyterian dissent," whose backwoods people looked with increasing favor on the man who had defied the aristocrats of the Tidewater once and could be depended on to do it again. The small farmers and impoverished freemen of Louisa County had little in common with the rich plantation owners of Tidewater Virginia. The champion of their religious dissent would speak for their political and social dissent as well. He was one of them, in his manners and dress no less than in his learning and possessions.

It was May, 1765, and Patrick Henry was in Williamsburg for the session. Though he had been in the capital several times before, he had seen little of it and had, perhaps, expected never to see much more. Waiting for the House to convene, he looked about him at the quaint and lovely town which was built on a high ridge between the York and the James Rivers. It was really nothing more than a village, with only one thoroughfare, the catalpa-lined Duke of Gloucester Street, which ran through its entire length of nearly a mile between the College of William and Mary at one end and the capitol at the other. Not far from the governor's palace, the little theatre was being spruced up for the influx of visitors who crowded the town during the sittings. They would enjoy the tragedies of Shakespeare—*Othello* or *Hamlet*—far more than the occasional public hanging of some Negroes convicted of having robbed one of the gentry. The gentry them-

selves, if they were in a mood for shopping, might stop in at the "Sign of the Golden Ball" where the silversmith wrought his rare and lovely pieces, or order some fine furniture at the cabinet makers, if they could not wait for a shipment from England.

A walk up Duke of Gloucester Street was a delight on these luminous spring days. On both sides, the small homes were set close to the sidewalks. Behind them were gardens, now richly blooming. The quiet of the town was rarely disturbed save when the governor rode in style, from his palace to the many-windowed capitol with its tall portico, in an ornate coach drawn by six milk-white horses, all arrayed in expensive trappings. At such times there were stirrings in the town—and in the capitol as well, for it was there that the business of the colony was transacted. There, the House of Burgesses and the Council sat, and there, too, were made the decisions that affected the welfare of the people of Virginia.

The cream of the colony was always visible during the sessions of the House of Burgesses. The Tidewater gentry came to Williamsburg in their fine coach-and-fours or on sleek and spirited mounts. Their ladies, when they accompanied them, were dressed in soft silks and precious laces, in high-heeled slippers and clocked stockings. They had come for the dances in the Apollo Room of the Raleigh Tavern or the governor's ball at the palace.

At the ball—famous above all other events in Williamsburg—the men could shine in all their sartorial splendor, their rich blue and silver costumes set off with deep scarlet, and the women adorn themselves in quilted, white satin petticoats, which billowed beneath their ample skirts of corded white silk shot through with silver. In their hair were pearls, hidden yet not hidden, like eggs in a nest; their feet fairly sparkled as the diamonds on their slippers caught the candlelight in the mirrored ballroom.

It was at the palace—the official home of the governor—that plans were laid by the leaders of the government party, plans that often affected the fate of the people of Virginia.

The palace was a finer building than the capitol itself; its

beautiful gardens were the envy of all the landowners who came to Williamsburg during or between the sessions. The terraces of the Falling Garden, the broad expanse of the Fruit and Vine Garden, the ineffable charm and color of the Box and Ballroom Gardens—these were famous throughout the colony. The rich planters would copy them for the embellishment of their own grounds.

Fauquier was as good a governor as Virginia had had—and a better one than most. A man of broad interests and flexible mind, he was equally at home in matters requiring political astuteness and philosophical thought. He was a lover of the arts as well as a *bon vivant*, with an educated taste in music as well as a flair for amusements which included gambling and gaiety in any form. His dinners were elegant, his receptions dignified, and his young friend Tom Jefferson heard “more good sense, more rational and philosophical conversations” there, “than in all my life besides.”

The Burgesses, the other guests, who graced his table or his drawing room, were not always either rational or philosophical. Some were far from elegant. Patrick Henry, new to this society, was not even one of them. Even though a budding Burgess, he was still out of place there; it would not be long before many of the 115 other members would become aware of this slight, stooped, long-nosed and blue-eyed man who appeared in the House dressed in rough old clothes and a seedy wig.

Scarcely had he been sworn in when he began to take a keen interest in the proceedings of the House, to listen carefully to all proposals, and to speak—even to speak against one of them. It was unusual for a newcomer to presume so far. Thomas Jefferson, a student at William and Mary, rarely missed an opportunity to listen to the debates. As he listened to the man whom he had met once before at the home of Captain Dandridge, he was surprised and delighted by the change which was evident in his manners, his speech, his bearing, which no longer “had something of coarseness in them.” Then, he had not been impressed by Patrick Henry

at all. Now he was not only impressed; the sensitive and true aristocrat at once recognized in this man, who paid scant attention to those refinements of which he was himself the exemplar, an honest and a simple advocate of the people.

The evidence was clear from the beginning. Here was a resolution offered on the floor of the House that had for its purpose the shifting of the burden of another's weakness or wrongdoing to the shoulders of the people. Mr. Robinson, the Speaker of the House, as well as Treasurer of the Colony, had indulged in some financial maneuvering that was now sought to be covered up, for the relief not only of himself but also of the rich planters, whose debts likewise would be placed on the backs of the people. It seemed harmless enough, involved as it was in the rhetoric of obscure and devious phrases, though it was an outrage that would have slipped through to easy passage but for a few men. Patrick Henry was one of them.

Patrick Henry saw through the scheme. And Thomas Jefferson, listening to him as he exposed it, saw it also. He was enchanted by the man's "bold, grand, and overwhelming eloquence" as he laid bare the impending raid on the taxpayers' money, and he could never forget how he "electrified his hearers."

Some of the others would not forget it either. For a few days later another question was before the House. This one concerned a matter that far transcended the puny raid of the Treasurer and the planters; the lives and welfare of the people of all America were involved.

The Stamp Act was already the law of the land. Nothing had availed against its passage or approval, neither the remonstrance of the colonies nor the efforts of Benjamin Franklin, who had labored to prevent it as the agent for Pennsylvania in London. "The tide was too strong against us," he said. And he added: "We might as well have hindered the sun's setting."

In America, too, the tide was strong. It was running against any overt opposition to the Act. James Otis, the firebrand of Massachusetts, had declared that Parliament and the Sovereign "un-

doubtedly have the right to levy internal taxes on the Colonies." New Hampshire, Rhode Island, Connecticut, Pennsylvania, Maryland—none of them would resist the levy. The Carolinas, Georgia, New York, were prepared to submit to what they nevertheless believed to be the first strong link in the chain of complete enslavement. As John Adams put it, tersely enough, in his diary, "if this authority is once acknowledged and established, the ruin of America will become inevitable." Virginia itself was silent.

The leaders of the House remained mute as the question was debated before it, sitting as a Committee of the Whole, on May 29 and May 30, 1765. These were men of ability and learning, far above the average in courage and vision. They were honest men—and equally opposed to the Stamp Act and its encroachment on the liberties of a free people. Mr. Peyton Randolph, the Attorney General; Mr. Edmund Pendleton, "one of the most virtuous and benevolent of men" as well as one of the ablest in debate; George Wythe, who was Jefferson's teacher at William and Mary; Richard Bland, a fine scholar and antiquarian; Richard Henry Lee, a powerful speaker; George Washington, already respected as a soldier; all these were silent. This was a rare company of men, of whom Gladstone once said: "Virginia produced more contemporary great men than any other piece of real estate on earth, Greece and Rome not excepted."

The Old Dominion had indeed brought forth a rare breed of men from the hardy, stubborn elements of the Tidewater counties and the counties of the Piedmont, from the mountains and valley of Virginia. Cavalier and Puritan, Scotch and Scotch-Irish, German and French Huguenot had all contributed to the expansion of Virginia, to its defense against the savages, and to its enlargement as a citadel of learning and liberty. But they were respectful of authority; of authority, especially, that was clad in royal robes.

Power, in the House of Burgesses, was in the hands of the men from the Tidewater, the rich men of proud families and great

plantations. They represented the least populous counties of Virginia. Since there were more counties of small populations than of large ones, they had always held the power in a House where each county had an equal number of Burgesses. They were the gentry whose plantations were almost self-sufficient societies built and served by slave labor. And their leaders were forever alert to innovations that might reduce or cancel their political power, and place it where it equitably belonged—with the farmers and freemen of the Piedmont, the uplands, and the Valley of the Shenandoah, remote and majestic, between the Blue Ridge and Allegheny Mountains.

The gentry of Virginia were the conservative pillars of a society that still had its roots in England. They still loved the soft and sensuous way of life that flourished in the English Midlands, the urbane manners, the hospitable largesse, the narrow social and political prejudices of the continental aristocrats. They also had their grievances against the mother country, but they would be slow to press them. The authority of the King was still supreme.

In the House of Burgesses a few men had ideas of an inchoate democratic nature. They believed in a certain equality that was more social than political. The hard life of the frontier, new customs and common dangers, had instilled a spirit of independence that was, at the same time, also a feeling of interdependence. As the gentry of the Tidewater understood the need for common and united action, so they, also, began to understand it. The Tidewater had its leaders. The others believed that they, too, had found one in the man who had spoken for all of them in the Parson's Cause.

On May 29, 1765, they knew that such a leader had indeed been found. He was "a moderate and a mild man, and in religious matters a saint." Despite his attack on the clergy, he was considered a religious man. But in the matter of politics he was "the very devil," an appraisal that he now proceeded to justify in a

set of resolutions which he had carefully written out on a blank page of his old copy of Coke on Littleton.

Patrick Henry had listened to the others, to their soft words of caution and conciliation, their appealing words of reason and restraint. Now, when the others had finished, when the session was nearly over and only thirty-nine members were present, the new member from Louisa County stood in his place on the floor, and read to them what he had written.

"Resolved." He read his words slowly, carefully. As they came from his lips, the House listened, at first with only half an interest, quietly; then in a murmur of voices; at last it tried to silence him in a tumult of shouting. But they could not silence him. What treason was this unknown member advocating? It was plain, too plain to be ignored or denied. The resolutions were simple enough for any child to understand.

"Resolved"—that the colonies enjoy the same privileges and immunities as the people of England.

"Resolved"—that these had already been guaranteed by two royal charters.

"Resolved"—that taxation of the people is valid only when imposed by the people themselves.

"Resolved"—that the people of the Colony of Virginia had always exercised this right.

"Resolved"—that the General Assembly alone has the power to lay taxes.

"Resolved"—that the colony must yield obedience to no law imposing taxes other than their own.

"Resolved"—that whosoever seeks to enforce such a law shall be deemed an enemy of the Colony of Virginia.

It was all logical; step by step it was irrefutable. Many Burgesses, however, were prepared to refute it.

Patrick Henry had not yet raised his voice. His words were still calm. But it was the calm before the storm. Scarcely had he read his resolutions when the House was in an uproar. The lead-

ers whose power and influence had never been challenged before were outraged by the audacity of the backwoodsman from Louisa. They were aroused by the unexampled impudence and temerity of this young lawyer who was threatening not only their leadership but the whole structure of a powerful empire. One after the other they rose in their seats to demolish both him and his resolutions with insult and invective, to deluge him with arguments "the most bloody," with abuse and derision and denunciation such as were never before heard in the legislative chamber of the Old Dominion. Only the Speaker, Mr. Robinson, maintained his accustomed reserve on the dais under the red canopy. So did the Clerk, in front and below him, as he kept a watchful eye on the sacred silver mace, symbol of royal authority.

And then the man who had caused all the tumult stood once again in his place, waiting for his chance to speak. His opponents had had their say—now he would answer them. They were gentlemen, and they would listen. In common courtesy they would hear his reply to the avalanche of reprobation they had heaped upon him.

As he stood before them he appeared straighter than before. His stoop was gone. The flashing eyes, the vigorous gestures, the deep and powerful voice would hold their attention however much they begrudged it. His words, no longer soft and persuasive, were now passionate and compelling; they were words to move the timid and make them fearless; to rouse the hesitant and give them purpose. He seemed to them all like "a son of thunder." And to Thomas Jefferson, listening at the doorway, it seemed that he spoke "As Homer wrote, with torrents of sublime eloquence." No one took notes of what he said, but none would ever forget the purport of the words he uttered.

The Stamp Act was tyranny; it was invalid as a law, without basis in the charters or the constitutions. Neither King nor Parliament had power to impose it on a free people—and the people of Virginia were free. They would not obey it; they

would reject it; they would oppose it. As he reached his peroration, he seemed to be transformed into a figure of prophetic vision.

"Tarquin and Caesar had each his Brutus, Charles the First his Cromwell, and George the Third . . ." Now they raised their cries like a pack of hounds in full pursuit. The Speaker, forgetting his reserve, rose from his chair and shouted, "Treason!" The cry echoed throughout the House, "Treason, Treason!" Patrick Henry paused. Like a great actor he sensed the climactic moment, the time for the white, blinding flash of destiny. Did they accuse him of treason again? Be it so. He finished the sentence they had cut short: "—and George the Third may profit by their example. If this be treason, make the most of it!"^a

The session was nearly over. Another day and it would be too late to make the most of it. The vote must now be taken. The leaders must make a hurried canvas, align their forces, ensure the defeat of these pernicious resolutions. There were seven of them in all, but only five of them had been brought in by the Committee. And these five—the fifth one especially—were an outright declaration of resistance, the first one of its kind, by a colony against the Empire.

Could they be defeated? It seemed unlikely. It was clear that the West would follow the lead of Patrick Henry against the East. Those who had been forced from the rich lands of the Tidewater onto the stony soil of the Piedmont, with little hope of ever returning while the laws of entail and primogeniture perpetuated the ownership of the large plantations in the "best" families of Virginia—the small mechanic, the hardy yeomen, the petty tradesmen—had found their leader. He had known how to carry them on the flood of his oratory, and one day he might even learn how to maneuver the political inequities and social

^a The recently discovered diary of a French traveler who claimed to have heard the speech of Patrick Henry asserts that far from hurling defiance at those who accused him of treason, Henry explained that he meant no treason at all. However, the speech itself was unquestionably treasonable, regardless of its conclusion.

differences between the lowlands and the uplands to the advantage of popular rule and political equality.

Despite the greatest efforts of the leaders, Patrick Henry won his five resolutions, none by more than a few votes, and the last by only one vote. "I would have given five hundred guineas," said Peyton Randolph bitterly, "for a single vote."

But if a vote could not be bought, there were other ways of defeating the upstart from Louisa. And Patrick Henry, still ignorant of the ways of politicians, and believing that the business of the session was over, made it easy for his enemies to try a new maneuver. As he left for home, "wearing his buckskin breeches, his saddle bags on his arm, leading a lean horse," they proceeded to expunge from the journal of the House the most damning of all the resolutions. The fifth resolution was wiped out.

As Patrick Henry mounted his horse for the long ride home to Sarah and the children, the news of what had happened at Williamsburg spread through all the colonies; the resolutions, including the fifth, were printed in the papers; and what had begun as a quarrel in one corner of Virginia became the cause of all America. The *Boston Gazette* thought that "the people of Virginia have spoken very sensibly," though the *Pennsylvania Journal* warned the times were "Dismal and Dreadful." Benjamin Franklin gave it as his considered opinion that "the rashness of the Assembly in Virginia was amazing," and urged "a firm loyalty to the Crown . . . whatever may be the madness of the populace and their blind rulers. . . ." In New York, men permitted themselves only to whisper about the treasonable resolutions, while in Rhode Island they spoke more openly about them when they were published in the *Newport Mercury*. Secret societies had been formed everywhere to oppose enforcement of the Stamp Act itself, and they called themselves The Sons of Liberty. If force was needed, they would supply it. Where other, gentler means would do, the women would carry them out. Governor Fauquier of Virginia was reporting the literal truth to the Ministry in

London on June 14, when he wrote, "Government is set at defiance . . ."

At defiance, too, were set the enemies of Patrick Henry. In some quarters threats were made against the life of the man who had started it all. At the Tavern of Colonel Johnson in New Castle, everybody was talking about the "Noble Patriot Mr. Henery" and publicly proclaiming that "if the least injury was offered to him," the people of the backwoods would "stand by him to the last drop of their blood."

As the words of Patrick Henry flamed and crackled across the country like a prairie fire, and the time for enforcement approached, there were riots in many towns and hamlets against the sale of stamps. In Boston, the stamp distributor, Andrew Oliver, was burned in effigy, and Lieutenant Governor Hutchinson's library was looted; in New York Lieutenant Governor Colden barely escaped the fate of his coach, which was destroyed by an infuriated mob. Everywhere the sale of stamps was prevented, and wherever they were found they were burned. The little men of the South and the North welcomed this defiance of an alien power, while most of the others—the rich and the influential, the aristocrats and men of family—were no less aroused, though for entirely different reasons. If the British system fell, they might fall with it. With few exceptions, they were opposed to any political change that might endanger the economic and social stratification of their society. Rebellion? Those who believed it possible were mad.

But it was a madness that spread slowly throughout two million souls, the "mixture of English, Scotch, Irish, French, German, Dutch, and Swedes,"—the "promiscuous breed," from which "the race called Americans" arose. It was a good breed and a fighting race. Now, it appeared as if they had something to fight for.

Patrick Henry, as Thomas Jefferson said, had started "the ball of revolution" rolling.

PART II



A Virginian Becomes an American

[I]

THE resolutions of Patrick Henry had started a tumult in the thirteen colonies. It remained to be seen whether this would be dignified by time and purpose to the stature of a revolution. There were few men in the colonies who thought so—it was possible that Patrick Henry himself did not think so. Twice he had spoken treasonably, and twice the people had responded—the people, but not the leaders. The colonies were aroused, and Patrick Henry had aroused them.

But more than that was needed. The colonies were separate, individual entities, each independent of the others, each jealous of its own rights, and stubborn to preserve them without inter-

Illustration above: The Raleigh Tavern, where (in 1769 and 1774) members of the House of Burgesses met when the Assembly was dissolved.

ference. Rarely did they unite in any common policy or action, and then only when some action of the mother country threatened them all.

But this was infrequent. Caution, or good sense, or the vast distance between the colonies and Britain, made it the part of wisdom for her to act with circumspection on questions that bore too lightly on the *one* question of authority. If neither trade nor commerce—the source of profits—were greatly affected, the authority of England was masked in a maternal smile, sunny and tender according to the mood and manners of its ruling aristocracy. If the source was affected by a drought, and if the flow was hampered by it, the maternal smile became a grimace, the grimace a scowl, and the scowl a threat of action—or action itself in the form of a new law or an old one properly strengthened.

The law might be cunningly worded, its sense cautiously revealed, its intent sometimes curiously masked, so that it lost its harshness while retaining its steadfast purpose. When the news of Patrick Henry's resolutions became known in England, it was quite clearly understood that improvements in the Stamp Act were necessary. It was not only an act—it was a denial of the power of colonial self-direction. The resolutions could easily blossom into an assumption of all power by those who, for a hundred years and more, had been encroaching, step by step, and law by law, on the authority of the Crown.

Taxes and liberty, money and freedom, had a mutual relevance. They went together, if indeed they were not one and the same thing. England understood this, and so did the man who had spoken treason in the Parson's Cause and in his five resolutions. So did Samuel Adams, who had drawn the Boston remonstrance against the Stamp Act. So did James Otis, who had once spoken against the Writ of Assistance. Otis had understood even more. It was plain to him as to few others, that no colony alone, not even the most powerful colony of all—Virginia—could accomplish much without the united help of all the colonies. He was already thinking of a plan that might bring this about—a plan, at

least, that would join them together in a common debate on the pressing problems that affected them all. He wanted a Stamp Act Congress, with representatives of all the colonies attending. Otis had advocated such a Congress before Patrick Henry had spoken in the House of Burgesses, but nothing had come of his plan. Only after the resolutions had become the currency of the people in all the colonies was such a Congress called by the Assembly of Massachusetts—and then it was far from popular.

Similar attempts to unite the thirteen independent governments of America had been made before—and they had failed. Benjamin Franklin, wiser than most men of his day, had tried it in 1754 at the Albany Convention, with little success. Had he not said, with a note of despondency if not of despair, that “Everyone cries a Union is absolutely necessary, but when it comes to the manner and form of the Union, their weak noddles are perfectly distracted.” They were all distracted by their own petty rights, their own small prerogatives, their own economic interests. New England had tried to achieve a regional unity, though even this had been hampered by internal squabbles and was, in any event, limited to the purely local problems of a few colonies. The Stamp Act Congress, meeting on October 7, 1765, in the City Hall at New York, might accomplish what all the others had failed to do. It was exceedingly doubtful—but the people of America were sufficiently aroused to try it.

There were the people of thirteen Americas, it seemed, when the Congress was called to order. Only those of nine of them had bothered to send any delegates, while Virginia, which had sounded the alarm, sent none at all.

Yet the Congress was not altogether a failure. Meeting in an atmosphere of ugly moods and riotous demonstrations, where passions ran high with hatred for the foreign yoke, it could not fail to take note of the temper of the times. The Sons of Liberty were loud and persistent with their slogan of “A Continental Union,” while “all the elements of a political paroxysm” were on the march. It was true not only of New York, but also of many

of the other colonies, even of those which had sent no delegates to the Stamp Act Congress.

Before that body, comprising some of the stoutest hearts and best minds on the continent of North America, Christopher Gadsden, an able and fearless Whig, cried out "there ought to be no New England man, no New Yorker, known on the Continent, but all of us Americans." The Tories there disliked this kind of talk, and would have nothing to do with it. They might consider a mild compromise but nothing that had the least taint of treason. Even men like Otis finally joined in the compromise that won the support of Rutledge, the Livingstons and Dickinson; the compromise that asserted the right of the colonies to tax themselves, but with "all due subordination to that august body, the Parliament." And they heard, without much concern, that "we glory in being subjects of the best of Kings." The merchants and their representatives wanted reform but they did not want rebellion.

Many of the people of the colonies were of a different mind. They had not misread the meaning of the Stamp Act nor forgotten the purpose of the Resolutions. Sam Adams, the gadfly of Massachusetts, was resolved that they should not forget it. General Gage, in New York, was complaining that "nothing effectual has been proposed either to prevent or quell the tumult." And he added: "The rest of the provinces are in the same situation." The tumult was everywhere.

In Virginia—though it sent no delegates to New York—the Sons of Liberty had met at Norfolk and given warning "That whoever is concerned, directly or indirectly, in using . . . these detestable papers called Stamps, shall be deemed . . . an enemy to his country, and by the Sons of Liberty treated accordingly." Had not the articles of surrender to Cromwell, as far back as 1651, provided "That Virginia shall be free from all Taxes . . . and none imposed on them without the consent of the General Assembly"? Neither in law nor justice was the Stamp Act valid. The people of Virginia would see to it that no one obeyed it.

Governor Fauquier was not exaggerating when he notified the Ministry in London that "Government is set at defiance, not having strength enough in her hands to enforce obedience to the laws of the community."

In London, too, there were reverberations of the turmoil that swept the colonies. In Parliament, the voices of Pitt and Camden echoed in the halls of Commons and in the House of Lords. Pitt was "rejoicing that America has resisted," while Camden was inveighing against taxation without representation. "I repeat it," he said, "I will maintain it to my last hour."

The Act was repealed, but not without a qualifying statement that, in effect, repealed the repeal. King and Parliament, it provided, "had, and of right ought to have, full power and authority to make . . . laws to bind the Colonies and people of America . . . in all cases whatever."

For the moment the wound had been dressed. But it would never heal.

[2]

Patrick Henry, doubting that the wound would heal, went back to the business of making a living. He knew, better than most, that the plain people, the people of the backwood country, "would never suffer tyranny to enslave them." These were the thews and sinews of the colonies, the men—and the women, too—who had lived the lives of pioneers, and for whom freedom was not an involved philosophy but as simple, necessary, and immutable as the food they ate, the air they breathed, the land they loved, and the tasks they pursued from the rising to the setting of the sun. For the moment, it seemed as if their affairs were once more in good order.

The Sons of Liberty had disbanded. Williamsburg was in a festive mood again, and the Assembly, dissolved by Governor Fauquier, was reassembling. The members were aglow with gratitude to George the Third for his gracious concurrence in the

repeal, and before the session was over would show their unabated loyalty to the Crown by voting a monument to his Majesty. It would never be erected—for by the time the plans were perfected, still other plans would replace them.

Patrick Henry, turning from his own affairs to the affairs of the people, had been re-elected to the House of Burgesses from Louisa County. The citizens of the backwoods country, having tried him once, would never try another as long as he lived. Who could better voice their own feelings, their hopes and needs, their rough and ready notions of liberty, and their ingrained spirit, sturdy, wild, and unsettled like the country itself? For Patrick Henry had not changed much since the days when he roamed the forests or idled away the hours on the banks of the Pamunkey. His clothes were the same as of old, his rough exterior but slightly different, despite a deeper seriousness of conduct when the event required or induced it. Though no longer a loafer, he still loved to loaf, between law cases or debates in the House. For days at a time he would go off to the woods, camping under the stars, returning with a bag of game if the hunting was good. His gaiety was no less than before, though now it was more often in his eyes than in his speech. He could laugh with the best of them, but he did not laugh easily.

Now there was less occasion for merriment. There was work to be done, and a people to be roused to vigilance, as he himself was vigilant when the question of the powers of the Speaker, Mr. Robinson, was before the House. Mr. Robinson had once before felt the lash of Patrick Henry's tongue. It was the Speaker who had laid the brand of treason on the new member from Louisa County. Now, not only the dignity of the Speaker's office was being assailed, but his considerable power as the servant of the Crown was being scrutinized. A resolution to deprive him of that power was being debated, and Patrick Henry, this time ably supported by Richard Henry Lee, was leading the attack. Once again he prevailed. The resolution was passed. Henceforth the Speaker of the House would be the servant of the people

instead of a rubber stamp for the Crown. It was an important victory in the struggle for liberty. This man of "naiteral parts" was becoming a leader, not only of the people of Virginia, but of the highly select and important group of leaders in the House of Burgesses.

He had just bought a new home at Roundabout, in Louisa County, from his father. It was far from pretentious, but it was a finer place for Sarah and the children. For Sarah, especially, it would be a better, more comfortable home, with a few slaves to help her. She needed more help, for she was often ailing. The house of one and a half stories, with a shed on the north side which could be converted into an additional bedroom, stood on a hill not far from the creek, and commanded a beautiful view of Roundabout Valley. Sarah would enjoy the view and the surrounding country, and her health might improve in this land of wide and open spaces, where breezes swept across the sultry valley from the hills.

John Henry was still at Mount Brilliant, in Hanover. Despite his elevation to the bench his circumstances were only slightly better than they had been before. Unlike his son, Patrick, his income was scarcely enough for the support of a large family, most of them girls, whom one had to support since girls never supported themselves. Patrick had his law business—but John, though a judge, was no lawyer. He still found it necessary to take pupils for the fees they brought him, at least until some of his daughters were married off. And John had no radical ideas about the King or the established Church of England.

Patrick, whose concepts of liberty included none of his father's religious beliefs, was now arguing the question of religious freedom for the people of Virginia, and for America, too.^a He upheld the need of tolerance above all other needs in the colony. The

^a The Journals of the House of Burgesses carry only the barest argument on Resolutions and often none at all. The argument itself is included in the Resolutions in attenuated form.

Established Church was possibly good for England; here "a general toleration of religion appears to me the best means of peopling our country. . . . The free exercise of religion hath stocked the northern part of the continent with inhabitants." He pleaded for an equal freedom for all sects, and for the Quakers in particular, for it was the Quakers whose status was in question at the moment, and their exemption from military service in accordance with their religious beliefs.

Patrick Henry, remembering the opposition of the clergy to the dissenters, and his own criticism of the restrictions on religious thought, was now in a position to do something about them. In the Parson's Cause he had appealed to an audience of limited scope and power. Here, in the House of Burgesses, he had the opportunity to strike at the evil of intolerance. Roger Williams had once fought the same fight in the Massachusetts Bay Colony, and for his pains he had been exiled to the wilderness. The fight was far from won; Roger Williams had been branded as a heretic, as an enemy of established order. Patrick Henry was now accused of being an "innovator." When they flung the word at him he merely answered, "I care not." What he wanted was religious freedom for all.

The bill to exempt the Quakers passed, yet the religious antipathies it had aroused did not dissolve. They flared anew, this time against the Baptists, who were among the most determined opponents of the Established Church. The rulers of the Old Dominion belonged entirely to the Established Church and were, with few exceptions, vestrymen or churchwardens. When the Presbyterians, Methodists and Baptists began to make converts they were met by demands for the enforcement of the English Toleration Act—the law of Virginia—requiring that nonconformist places of worship must be registered and those who ministered in them licensed. When licenses were refused, or more often, not even applied for, the dissenters were prosecuted. They were a danger not only to established religion, but to established *mores* as well. Many of them were arrested, their pleas for re-

ligious liberty given short shrift by the magistrates who sent them to prison. Again it was Patrick Henry who spoke for them, defended them, paid for their release out of his own funds. "He only needed to be informed of their oppression," it was said, "and without hesitation he stepped forward to their relief. From that time, until the day of their complete emancipation from the shackles of tyranny, the Baptists found in Patrick Henry an unwavering friend. May his name descend to posterity with unsullied honor."

In this same year of 1767, he opposed the unlimited importation of slaves and urged a heavy tax on those brought in, as the only effective means to discourage the traffic. There were too many slaves already, he argued.^a It would be better to get rid of slavery altogether, though to "re-export them now is impracticable, and sorry I am for it." Look at Pennsylvania, he said, a prosperous colony "of the most extensive privileges with few slaves." Even in Virginia, in the back country beyond the mountains, "Europeans instead of Africans till the lands and manufacture . . . [and] they are the most flourishing part of Virginia, and this in a few years." Not slaves, but artisans, are needed. "Is there a man so degenerate," he proceeded, "as to wish to see his country the gloomy retreat of slaves?"

Patrick Henry's hatred of slavery was deep and unchanging, even while he held slaves of his own. "The peculiar institution" of his beloved Southland was still too firmly rooted in the agrarian economy to be outlawed, but, as he expressed it some time later, "I believe a time will come when an opportunity will be offered to abolish this lamentable evil. Everything we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot, and an abhorrence of slavery. . . ."

These were some of the issues that drew Patrick Henry from the forest and the river, and even from his practice of the law.

^a It is estimated that at the time of the Revolution there were half a million slaves in the colonies.

It was a fair practice that was becoming a flourishing one, especially after he had taken over the clients of Robert Carter Nicholas, one of the greatest lawyers of Virginia. Henry was becoming known as a trial lawyer of strength and power, equally successful in civil as in criminal matters, though undoubtedly more persuasive with juries in the criminal courts where his flair for acting could win a verdict of acquittal by tactics that were questionable perhaps, but still considered the duty of a lawyer toward his client. Not only the law, but the lawyer too, must assume a man's innocence until he was proven guilty.

Increasingly, however, Patrick Henry was putting aside his own business to attend to the business of liberty. Year by year, almost month by month, his fees would dwindle until they disappeared entirely.

In the meantime, like everybody else, he was beginning to yearn for a stake of his own in the good earth of Virginia. A vast empire was to be had almost for the asking. Others had already asked—and received—a goodly share of it. The Ohio Company and the Loyal Company had been organized by influential men to exploit the virgin lands at the southern end of the Valley of Virginia and those northwestward to the Ohio River. Astute and farseeing speculators were busy staking out their claims—often without legal sanction—to immense stretches of territory in the West, once the domain of the Kingdom of France, and now the all-but-uncharted preserve of Britain. The Indians had been there before any of them—but the speculators might ignore or deal with them as they were now ignoring or dealing with the English. Since the successful conclusion of the French and Indian War, the scramble for the western lands had been renewed with a greater vigor than ever before—and many who had never had a stake in them bestirred themselves to get one now.

Patrick Henry, too, had joined a speculative enterprise with Captain William Fleming and Dr. Thomas Walker, involving some land on the Mississippi near its junction with the Ohio. Dr.

Walker, friend of Benjamin Franklin and onetime guardian of Thomas Jefferson, was one of the most powerful leaders of the Piedmont and an old hand in the business of land speculation. For Patrick Henry, it was a fortunate association. The man who had had nothing and still had little, the man who had once been an improvident merchant and an impoverished farmer, acquired a few tracts from time to time and gradually expanded his holdings. In his case, as in the case of most of the other leaders, political influence was no deterrent to the acquisition of new lands. As his practice fell away before the increasing demands of his new political labors, he rarely forgot the possibilities of speculative profits in virgin territory.

[3]

The Virginia House of Burgesses, in the year 1769, was already old in the annals of the new world. Its leading figures, however, were not old men. Age—in Virginia, in all the colonies—was no measure of a man's capacity, nor seniority a measure of his importance. Each class of Virginia society had its man, or its men, whose thought, vigor and purpose were harnessed to the class he sprang from or the one to which he aspired. In the colonies, in Virginia especially, however, there were some who stepped out of the tight oligarchy of their own class, and espoused a cause that was above and beyond the limitations of any class.^a

Thomas Jefferson was one of them. The tall, sandy-haired young man who became a member of the House on May 11, 1769, was of modest though genteel birth. His father, Peter, starting from humble beginnings, had had the foresight to marry a Randolph of the Tuckahoe gentry, and to lay the basis of a sizable fortune by acquiring huge domains of arable land which

^a The gentry, as a whole, were slowly brought around to supporting the Revolution. But their own ideas of its ultimate meaning and effect were clear enough. The Rights of property preceded the rights of man. "Men of birth and fortune in every government that is free, should be invested with power and enjoy higher honors than the people."

he promptly planted to tobacco. Though he died at the age of fifty, he had accumulated enough worldly goods to leave his son in a position of impregnable security and the highest social standing. His wealth and his Randolph blood had earned him a place in the Virginia aristocracy. The best education that the times could offer, coupled with a natural propensity for thought and study, were all that were needed to assure the freckle-faced youth of a brilliant career. A poor speaker, he became a lawyer. Unattractive physically, cold and austere, he won everybody by his correct bearing and elusive charm. The best homes were open to him, and the best minds, too, not only in the little world of Williamsburg, but also in the greater world of books. In manner and dress, in learning and station, he was as different from the man who had entranced him with his power of eloquence as could be imagined. A few things they had in common. Both of them loved the outdoor life, the zest of hard riding and hunting, the beauty of music, and the fellowship of sturdy, hearty men. With equal fervor they worshiped at the shrine of liberty, though they worshiped it according to their natures and powers—Jefferson with his pen, Patrick Henry with his speech. One was the voice of Revolution, the other wrote its manifestoes. They were fast friends as they sat together in the House of Burgesses in May, 1769, even sharing chambers during their stay in the Capitol.

Perhaps it was not surprising that these two, once so far apart, had come so close together. A few changes had taken place in Jefferson. He no longer looked on the older man as a country bumpkin, whose coarseness had once repelled him. He admired him as he did few other men, and he looked on him now without his former patronizing conceit or polite contempt, but as a man who was destined to greatness. It seemed to Jefferson, watching Patrick Henry on the floor of the House, that the old leaders were being dispossessed.

George Washington could not be called a leader though his reputation for courage was widely held and respected, outside as

well as within the Chamber of the House where he sat as a Burgess. The tall, well-built, heavy-muscled, big-boned man with a large nose, high cheek bones, and blue-grey eyes set wide apart in a sallow and pock-marked face, was far from imposing in appearance. His bad teeth did not help to improve it, nor the carefully brushed and powdered dark-brown hair, which he tied back in a queue. His shyness and modesty were not calculated to push him forward to a position of prominence, a position he nevertheless discreetly enjoyed for his ability as a soldier, already recognized by a formal vote of thanks by the House itself. The truth was that the man was more at home in the field or on his estate than in the hurly-burly of the forum. He was proud of his broad acres at Mount Vernon on the Potomac, of the spacious lawn that ran right down to the river, and the small cottage which he was forever enlarging and improving with an additional story, with wings to the left and to the right, a fine portico supported by lofty columns, a marble chimney piece, countless panes of imported glass and "fashionable locks and hinges." He could afford all this since the widow Martha Custis had brought him an enormous dowry. He could live the life of a country gentleman, manage his estate with mathematical punctilio, and at the same time indulge his taste for blooded horses, racing and fox hunting, his liking for cards, and his weakness for grand dinners and great balls. He was not a bookman like most of the leading men in the House of Burgesses. He read little, and used the hours not devoted to the pleasures of his domain to its management. In his lighter moments he was something of a dandy, paying close heed to his clothes and person, his madeira and punch, and the enjoyment of his fellows, including the ladies, for whom he harbored a simple and forthright admiration. His good sense and sterling character were doubted by none, least of all by his friend Patrick Henry, who believed that "if you speak of solid information and sound judgment, Colonel Washington is unquestionably the greatest man on the floor." This he said later—when events had proven the qualities of the master of Mount Vernon.

If Washington was not yet recognized as a leader, neither was Patrick Henry. He had won his Stamp Act resolutions; he had brought the powerful speaker to book, and had forced through the exemption of the Quakers from military service, and the tax on slaves. Yet he was far from impressive in his person, and his lean, spare figure, his decided stoop which made him appear considerably less than his nearly six feet in height, belied the strength of body and the passion of spirit that were held in reserve for moments of the greatest need. Then he could straighten up, throw back the rounded shoulders, and tower above them all like an avenging angel or like a devil incarnate, as some of them believed. His oval face, his long nose, the thin mouth, the firmly pressed lips and the set jaws, might have justified their belief, save that in more relaxed moments the blue eyes shone with an impish humor, and the smile that played about his face would dissolve in laughter. At such times it could be seen that his most attractive feature was the fine, firm teeth, sparkling as his humor and strong as his jutting jaws. His brow was high and beetling, the cheeks thin and hollow, his color pale and pasty. And he was nearly hairless. His wig, which he always wore in public, added nothing to his appearance. Often it was askew, though now it was no longer seedy. It was a new one, at the moment properly powdered and tied in back, neat and orderly until he forgot himself in speech, when he was apt to turn it to one side because it annoyed him so. His clothes were not as shabby as they had been; they were of good cloth, but severely black, relieved only by a white cravat at the throat. The one concession which he made to his new importance as a Burgess was a red velvet mantle, which was necessary when the air was chilly. When he spoke, his voice, rich and resonant, capable of the subtlest nuances and the deepest reverberations, held his audience spellbound. The man was forgotten. His voice was a living presence. And the leaders, the old and recognized leaders of the House, were not likely to forget it.

Richard Bland's position as a leader few would question. He

was not one of the glib-tongued orators of the House. On the contrary, he made but a poor showing in debate. But he was a keen student of public affairs, a very learned man, and an authority on constitutional matters as well as on the history of the colony. Known as the "Virginia Antiquarian," his pamphlets on the more involved aspects of Britain's connection with Virginia were among the first attempts to relate and assay the rights and duties of each of them. A conservative, Richard Bland was a patriot who looked on Patrick Henry's antics with deep suspicion and ill-concealed distaste. Cautious and careful in debate, he was less opposed to the member from Hanover (formerly from Louisa County) because of his attacks on royal prerogatives than because of the means he used to oppose them. The *principle* involved in Patrick Henry's diatribes was now generally accepted by Bland and most of the other leaders. The temper of the times was such that they could do no less. But this comparatively new member of the House was too indelicate, too intemperate, above all he was too *explicit*, in his speeches. Instead of a scalpel he used a bludgeon. He lacked the refinement of learning which could have made his tongue a rapier instead of a cudgel. He was—a radical.

Peyton Randolph, who was no radical, was amazed by the quick transition from ignorant countryman to eloquent speaker of the man into whose fitness and learning he had once inquired as an Examiner for the Bar. Peyton Randolph was himself a most cultured man, and a fine parliamentarian to boot. He had graced the House with his legal acumen and wit for many years, and was moving with the stream of events. But he was moving slowly, like his brothers among the Burgesses. They were Americans first and Englishmen afterwards, though the fact would be tardily revealed to themselves as to others, as the winds of contention cleared the atmosphere blurred with habit and custom, and clouded with years of loyalty to the status quo. The mother was more than England. She was a way of life, a system of thought, a protector and a guide—a mentor who had seldom

been a tormentor though often a hard and sometimes a ruthless parent. The ties that bound them together were tough. And who would venture to sever them entirely?

Not the old leaders, even when they could see them straining and fraying at many points. Not Bland, nor Robert Carter Nicholas, the foremost lawyer of Virginia, who had once flatly refused to admit the young applicant at Williamsburg to practice the profession of the law, and had only capitulated because of "repeated importunities and promises of future reading." Not Edmund Pendleton, who had signed his license "after much entreaty." He was an able man, one of the ablest in the House, an amiable and good-humored debater, quiet, sober, and resourceful. The man whose license he had signed was also amiable and good-humored, but he was rarely quiet and, it seemed, never sober. It was not drink that went to his head—he rarely indulged in it—but a heavier, more intoxicating brew that kept him effervescing in the usually staid and correct proceedings of the House of Burgesses. Edmund Pendleton didn't like it, and Nicholas didn't approve of it either, though in time he too would approve, not alone of the man's ebullience but of the man himself. When he retired from practice, it would be Patrick Henry who would take it over.

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There was still another in the House who had known the young novitiate at the Bar. As professor of law in William and Mary he had been well qualified to examine the new seeker after juridic laurels. George Wythe was a scholar, one of the best in Virginia, the best of all in the opinion of Thomas Jefferson, one of his most devoted students. Wythe was a true disciple of liberty, a man of inflexible integrity, and a profound student of the law, but he did not see eye to eye with Patrick Henry.

Patrick Henry did not err in his struggles with these men, or with others of their party in the House of Burgesses. He never impugned their learning or their good faith. He was impatient of their caution and skeptical of their strict interpretations of the law.

Thomas Jefferson understood the issues already. So did Richard Henry Lee, the staunch friend of Patrick Henry since the fight on the status of the Speaker. His lithe, lean figure, his gestures, his speech, were as graceful as he could contrive them by dint of careful study before his mirror. It was necessary, perhaps, for him to take such pains, since one of his hands, the one that was always enclosed in a black-silk bandage, was almost useless. Except for the thumb, it was crippled. And when he rose to address the House, they listened with more than passing interest. They thought he spoke as Cicero had spoken, while his face, his features, bore a remarkable resemblance to the Roman orator. Lee, a man of dubious wealth, with plantations and debts equally balanced, had once been a member of the Conservative Party. He had even been willing to accept office for the enforcement of the Stamp Act. Now he saw more clearly what was involved in the struggle.

Events would bring a clearer vision to others too, in the camps of both parties in the House, where parties were not too well defined and where many, perhaps most, still believed in the overruling power of George the Third and Parliament. As the "ball of revolution" rolled on, these would waver in their certainties of the law, they would falter in their loyalties to the Crown; and at last they would join their strength to that of the Henrys and the Jeffersons in the movement toward the ultimate challenge.

The challenge would not be long delayed. Already, within a few days after Jefferson had taken his seat in May, 1769, a new set of resolutions had been offered for the approval of the members. That they did not approve the resolutions was less significant for the future of the colony than the hasty dissolution of the House by Governor Botetourt to prevent a vote on them. Lord Botetourt, who had replaced Governor Fauquier, was a sincere and loyal friend of Virginia, but his duty and loyalty were first of all to the royal government of Britain. In his opinion the new resolutions were no less subversive than those others

which had fired the people of this and the other colonies too. Fauquier had not dissolved the House at that time; it was a mistake whose recurrence the new Governor would prevent.

It was one of the more irritating sores of colonial government that the Governor could send the Burgesses packing whenever he wanted to. If their acts displeased him, if their resolves irked him, if he believed that they were in conflict with royal authority or threatened royal prerogative, he had only to send the message that called them to the Council Chamber on the floor above the House. The members always carried their hats and sticks with them, ready for their instant dismissal. The Burgesses had not often been dismissed before Patrick Henry had appeared in the House. After his speech on the Stamp Act, it happened with disconcerting frequency. The mood of the House had changed, many of the old members had been replaced, and the new men were less complacent about these peremptory dismissals from the tasks they had been chosen to perform. The leaders themselves, those who still believed in the primacy of Great Britain, were of a mind to protest these futile goings and comings, these meaningless circlings about the magnetized point of power which reduced their own power to impotence. Patrick Henry, Thomas Jefferson, Richard Henry Lee, others of their party, might be too impatient in their demands, too brusque in their antipathies, and too glib in their defiances, yet it was undeniable that there was some reason in their rhetoric and some cause for their grievance. Botetourt could see all this as well as they did, but as the royal Governor he was answerable only to Britain. His path was clear.

England had perhaps gone too far in arousing, then placating, the colonies, only to bait them even more with new decrees that were oppressive beyond those rescinded. That is what happened after the repeal of the Stamp Act. It was too bad that William Pitt—Lord Chatham—was so ill with the gout that he could not keep a firm hand on his Ministry. He might have restrained the Bourbon-minded Britons who still believed in the virtue of harsh-

ness and in the wickedness of colonial patriots. Pitt could have dampened the ardor of his Chancellor of the Exchequer, Charles Townshend, the man "who belonged to every party and cared for none." For one thing Townshend indubitably did care. He wanted revenues; revenues from the colonies to be derived from taxes on lead, on glass, on tea, on many necessities which the Americans had to import, and he wanted these revenues used for the support of British-appointed officials in America, thus depriving the colonies of all control over them.

That was not all he cared about. This time, the Chancellor of the Exchequer would not make the same mistake that Grenville had made with his ill-fated Stamp Tax. Townshend would see to it that the law would not be flouted. No Patrick Henry would be able to sweep the colonies with Resolutions' like firebrands that destroyed not only the tax but threatened to destroy the power to tax. These taxes would be enforced. They would have teeth in them, set in tough jaws to tear asunder anyone who presumed to question or oppose them.

The courts were given the right to issue Writs of Assistance, which permitted customs officers of the Crown to enter any place, any home, anywhere in the colonies, to search for smuggled goods on which no tax had been paid, and to seize them. Townshend had possibly forgotten that a similar law had once raised havoc in the town of Boston, when James Otis had warned that "every man prompted by revenge, ill-humor, or wantonness, to inspect the inside of his neighbor's house, may get a Writ of Assistance. Others will ask it from self-defense; one arbitrary exertion will provoke another, until society is involved in tumult and blood."

That was in 1761. The warning had fallen on deaf ears. With the enactment of the Townshend Acts, the chief harbors of the colonies became scenes of violence. Informers were beaten, tarred and feathered, revenue sloops were attacked and royal officers were seized and assaulted.

In Boston John Hancock's sloop, the *Liberty*, was not molested,

nor its heavy cargo of wine destroyed, but that was only because the collector of revenue was securely locked up in the ship's cabin while the smuggler's vintage was removed for more profitable purpose. By 1770, a full-fledged revolt was simmering in the old town, ready to explode at any moment.

It did explode when the soldiers of the Crown fired on some citizens who were threatening them. A few were killed in what was called—with some exaggeration—the Boston Massacre. It was true, as Governor Hutchinson said, that “the people of Boston are run mad.” Nor was their madness calmed by the flamboyant cartoon that appeared everywhere from the hand of Paul Revere, a silversmith who also had a talent for engraving. The silversmith had a sense of the dramatic, which he used to good propaganda purposes when he spread above his drawing the arresting title, “Scene of the Horrid Massacre in Boston.”

Paul Revere meant little, as yet, to Boston, but the name of Sam Adams meant a good deal. Governor Hutchinson had spoken the truth when he branded the Boston patriot as “the chief incendiary of the province.” Adams had already put through the Lower House of the Massachusetts Legislature a call to all the colonies to unite in resistance to the Townshend Taxes. For Sam Adams had a searing hatred for the British and all that they meant in the life of free Americans.

Deacon Adams, a substantial brewer, had hoped to make something better of his son. He had sent him to Harvard, where brewers were unknown, save by the pleasant product they conjured out of malt and barley. He wanted his son to become a preacher, but the kind of preaching the young man preferred was far different from that of the Church. The passionate, impudent youth was equally unfitted for the counting house and for the house of God, for the thousand pounds which the hopeful Deacon Adams had poured into the effort to establish his son in a career of self-supporting gentility were soon lost. It was too bad, since Deacon Adams was himself self-supporting and genteel. He was more. He was one of the most influential members

of the Caucus Club, a species of rendezvous for political bosses who decided in advance of the Town Meetings just what was to be proposed to the assembled citizens of Boston.

Sam liked the Town Meetings and the Caucus Club. They taught him many things, but most of all they taught him the means and methods for getting important things done with as little waste motion as possible. Liberty, he had already decided, was one of them. His thesis for his Master's Degree had been on the question: "Whether it be Lawful to Resist the Supreme Magistrate if the Commonwealth Cannot be Otherwise Preserved." Sam had discovered that it was lawful. Wherever men met together to discuss the liberties of the people, there he too would be found, stirring them with his talk about the natural rights of man, about reason and justice, about the infamy of alien rule among free men. He was the first agitator of Boston, as Governor Hutchinson said. Let the Tories call him names. The common people loved this man and would follow him wherever he led.

Now, when the riots against the Townshend Act were making the people of Boston "run mad," Sam Adams, accused by the loyalists of being "the foulest, subtlest, and most venomous serpent ever issued from the egg of sedition," was busier than ever, organizing, agitating, and writing—always writing. He had already composed a letter to the agent of the Assembly in Britain, and an address to the Ministry, together with a Petition to the King, all of them setting forth the opposition of Massachusetts to foreign oppression. He had drawn up a circular letter, which had been sent to the colonies, pointing out the same facts; the House of Burgesses of the Old Dominion had replied, urging a united and firm stand against any Act which might jeopardize any colonial rights. Virginia, aroused by the events in Boston, was content with nothing less than a united front against England.

What Patrick Henry had started was fast gaining in momentum. British receipts from exports fell from over two million pounds in 1768 to slightly over one million in 1769. When the momentum was accelerated for the colonies by the seizures and

deportations to England of resisters, it was the Virginia House of Burgesses that prepared its answer to these new violations of elementary rights: on May 16, 1769, it passed four resolutions which were printed in the *Virginia Gazette* and transmitted "without delay, to the Speakers of the Several Houses of Assembly on this Continent." The resolutions were simple and to the point. The sole right to impose taxes "is now and ever has been, legally and constitutionally, vested in the House of Burgesses." The people of Virginia had the right to petition for grievances and "to procure the concurrence of the other Colonies." All trials for treason—for any felony—"ought of right to be had and conducted" in the courts of the colony, with a jury to pass on the acts themselves. Finally, the King must prohibit "the seizing and carrying beyond the sea any person residing in America."

Patrick Henry, though he lacked the learning of the other leaders, drove them forward with his energy and fire, his eloquence and passion. As a member of most of the important committees of the House he was tireless in his labors to safeguard not only the liberties of the people of Virginia, but the vast domain of the Old Dominion which was threatened by some of those very people. As a member of the Committee on Indian Affairs he was demanding that the murder of friendly Indians on the frontier be punished, and their treaty rights respected. Anxious to preserve the western lands of Virginia against conflicting claims by the Cherokees, his committee proposed that a peaceful settlement be made, their rights protected, and their territory purchased. The western boundary of the Indians, for the time being settled, was placed on a line which began at the western termination of the North Carolina line and ran due west to the Ohio. In a measure, at least, justice was done without the danger of further bloodshed.

As a lawyer, Patrick Henry understood the devious methods of justice, and the difficulty of achieving it in the affairs of men.

Virginia's affairs were becoming more involved all the time.

Now, they were confused still more by the action of Governor Botetourt in once again dissolving the House because "I have heard of your resolves, and augur ill of their effects." The leaders had at last decided that they would not take their hats and sticks and go meekly on their way. This time they would stay—and meet at the home of Anthony Hay at the Raleigh Tavern, to organize an association for the transaction of their business as the chosen representatives of the yeomen, planters and freemen of Virginia. The association had no legal powers, perhaps. But legality had become a tenuous term. If the people responded to *their* decrees, then that was enough legality for them. And they voted, legally or no, that nothing, with a few slight exceptions, was to be imported from England—each one "Upon his Word and Honor."

A few of them had notions that went beyond mere word and honor. George Washington, who never said very much, did reveal his thoughts in a letter to his friend and neighbor, George Mason. "At a time," he said, "when our lordly masters in Great Britain will be satisfied with nothing less than the deprivation of American freedom, it seems highly necessary that something should be done to avert the stroke, and maintain liberty, which we have derived from our ancestors." He believed in the boycott on British goods, but he also believed, if it became necessary, in the use of "a-ms." Washington was one of those who knew from experience something of the efficacy of arms. Mason, who was not a Burgess, agreed.

The use of arms would be a last resort. For the time being other means seemed to prevail. In all the colonies a strange calm had settled on the people, as if their grievances had either been composed or, as appeared more likely, had been submerged by others that had not yet fully developed.

The Townshend Taxes were repealed, as once before the Stamp Tax had been canceled. One tax remained. The tax on tea had been retained, because, as King George had made it clear, "there must always be one tax to keep up the right." He also believed

that the tax on tea would be unopposed, since it was so small an application of so great a principle. Surely this would not stir up the troubled waters of colonial dissension.

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While in the City of Boston many things were brewing that were stronger than tea, in Virginia Patrick Henry, taking time out from his duties on a number of committees to which he had been appointed, was discharging one duty which he owed to his own family. He was making as good a bargain as possible for a new home in Hanover, at a place called Scotchtown. He got it for six hundred pounds, a lot of money for Patrick, but not too much for all the land that went with it. He wanted space for the children that Sarah had supplied with such unfailing regularity. He wanted it also for its own sake. It might mean a fortune in that unpredictable future when the vast spaces of hill and plain would be populated and fruitful. Already, with Tom Jefferson and others, he had petitioned for fifty thousand acres of land east of the Ohio below the mouth of New River. It was nothing new for men to reach out to the horizon for lands that spread beyond the rim of civilization. Benjamin Franklin had not done badly as the agent for others, or on his own account, either. He was the representative of the Illinois Company, which wanted no less than 2,200,000 acres of land for settlement purposes. Franklin was always interested in the great empire of the untamed and uncharted West, and he missed few opportunities to make his fortune out of its exploitation. He had a share in the Ohio Company, besides several thousand acres as far north as Nova Scotia. In his own colony of Pennsylvania he was an active speculator in lands.

Not only Franklin, but Washington, too, was busy in similar enterprises. As far back as 1763 he had organized the Mississippi Company in a scheme to get over 2,000,000 acres on the Father of Waters. River property always had a better future than land

that was far from a stream. He managed to get over 32,000 acres on the Ohio and Great Kanawha Rivers. Patrick Henry was also active, with others, in plans for surveying new lands in Kentucky. This man, whose legal business was vanishing as his political activities increased, had not forgotten his early poverty nor his frequent failures in the business of making a living. In his new business of making a revolution the hazards were great enough without the additional ones that might threaten the welfare of his family. Few of those he knew were neglecting their personal fences—whatever the future might hold for their political ones. He was no longer the inept storekeeper or the futile farmer. He had learned a great deal about life, and with his legal experience he was budding into a land speculator as keen as the rest of them. As one of those close to the sources of power, he knew—or thought he knew—of the riches that lay dormant in the western lands.

As the years passed Patrick Henry would add to his holdings other lands, on the James River and elsewhere, for in the wide reaches of the Old Dominion there were two commodities that were in great demand—by him as by others—land and liberty. It would be easier to get land; he would have to fight for liberty.

In Virginia Lord Botetourt was dead, mourned by many as a kind, honest man who had done his duty with as little hurt to his colony as possible. He had been loyal to the Crown, but he had loved the Old Dominion. As governors went, Botetourt had been a good one. Now, in 1771, he was replaced by a new man, John Murray, known as the Earl of Dunmore, who had come on from New York, the most Tory-minded of all of the colonies. He had been sent to Virginia because it was believed that he had none of the weaknesses of Botetourt, and none of his questionable strength either. He would rule with an iron hand, nor would he trouble to conceal it in a velvet glove. He was a coarse man who was also thought to be depraved, a Tory in his outlook and bearing, whose "manners and sentiments did not surpass sub-

stantial barbarism, a barbarism which was not palliated by a particle of native genius, nor regulated by an ingredient of religion." Time would justify this harsh judgment.

Certainly, Governor Dunmore would be cautious. To prorogue the Assembly would be much simpler, when the occasion demanded it, than to engage outright in a struggle that became increasingly more virulent as it became more outspoken against the Crown. When he finally called the Burgesses into session on March 4, 1773, it was because there had been widespread forgeries of treasury notes, a situation he could not deal with alone. It was one which cut deep to the heart of the Crown's power. Dunmore had arrested some citizens suspected of counterfeiting; he had even had them tried, without bothering about a preliminary hearing before an examining magistrate. The proceedings were contrary to all law, except the law that Dunmore believed convenient for his purposes.

As a lawyer and as a patriot, Patrick Henry considered the action of the new Governor a dangerous precedent, depriving a man of the elementary protection to which he was entitled. As chairman of the committee which reviewed the arrests, he presented the protest of the House in a resolution which demanded for the accused the observance of all legal steps necessary to bring them to justice. The House insisted that it was important "to be as attentive to the safety of the innocent" as to the punishment of the guilty.

The House went further. These infractions of law and justice were cropping up everywhere, and governors were pliant in supporting them. To ensure equal and alert attention by all colonies against any violations of their laws, and to keep themselves informed about them, the House of Burgesses enacted new resolutions, calling for the appointment of a Committee of Correspondence and Inquiry, "whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of the Ad-

ministration, as may relate to or affect the British Colonies in America." And it was provided, further, that the Committee "keep up and maintain a correspondence and communication with our Sister Colonies, respecting these important considerations . . . and request them to appoint some person or persons of their respective bodies, to communicate from time to time with the said Committee."

Virginia would not wait until the same thing happened there as had already happened in Rhode Island. In that province, not only were accused persons arrested and tried without a proper concern for the law—as in Virginia. There, an entirely illegal Court of Inquiry, with power of life and death over the accused, had begun to function. Because the British ship *Gaspee* had been destroyed in Narragansett Bay for stopping and searching vessels suspected of smuggling, Parliament had decreed that anyone caught destroying even "the button of a mariner's coat" should be transported to England for trial. In the event that the criminal was found guilty, the punishment was death.

Under such a threat no one was safe, in Virginia, or Rhode Island, or in any of the colonies. In greatest danger of all were the leaders, men like Patrick Henry, Sam Adams, Thomas Jefferson, Richard Henry Lee. All of them were subject to forcible distraint and quick assignment to the tender mercies of George the Third and his complaisant lawmakers. Fully aware of the sword that hung over them by a slender thread and might fall on their necks at any moment, Patrick Henry, Jefferson, Lee and a few others had prepared the resolutions in the privacy of the Apollo Room at the Raleigh Tavern, and had persuaded the Burgesses to pass them quickly.

As quickly Governor Dunmore dissolved them, but not before Patrick Henry, speaking for the resolutions, had created an atmosphere of urgency and tension that fired not only the members, but the building itself. At least, many thought so, for the rush of the crowd to the galleries to hear him was so great that it was

feared there must be a fire somewhere. The cupola of the House was even doused with water, and the royal flag, flying but not burning, was drenched.

With the adoption of the resolutions by the House of Burgesses there began a new era of co-operation between the colonies scarcely believed possible before. The Committees of Correspondence promised a degree of unity between the thirteen separate and autonomous colonies that augured well for the future of their common concerns—if they would only agree among themselves. The *New Hampshire Gazette* voiced the hope that they would. "Heaven itself," it said, "seemed to have dictated it to the noble Virginians. Oh Americans, embrace this plan of union as your life! It will work out your political salvation." The Connecticut House of Representatives speedily adopted the measure "proposed by your patriotic House of Burgesses, and with pleasure follow the lead given, and example set, by the fathers of the people in the ancient, free, and loyal Colony of Virginia." The Massachusetts Assembly announced "a very grateful sense of the obligations they are under to the House of Burgesses in Virginia for the vigilance, firmness and wisdom which they have discovered at all times in the support of the rights and liberties of the American Colonies." Delaware, North Carolina, New York, all of them, joined in the plan that was to bind them more closely together into a union against oppression.

Such attempts had been made before. Sam Adams had even had his own Committees of Correspondence. But he recognized the fact—for it was a fact—that here, for the first time, was the solid basis of inter-colonial action. In a letter to Richard Henry Lee, he rejoiced in "the truly patriotic resolve of the House of Burgesses," and he was certain that they would gladden "the heart of all who are friends of liberty."

In England, the resolves "struck a greater panic into the ministers than anything that had taken place since the passage of the Stamp Act." It was a panic that was begun in Virginia by Patrick

Henry. It was a panic that he had spread throughout the colonies with his speech on the Resolutions for the Committees of Correspondence. He was now the recognized leader, to whom, as Jefferson said, "we were indebted for the unanimity that prevailed among us."

No wonder that Lord Dunmore considered him as his personal enemy. With greater relevancy, he called him the foremost foe of England.

Meanwhile the stupid, if not the malevolent conduct of the die-hards at home and abroad was rapidly turning any possible compromise between the mother country and its colonies into a bitter struggle which no compromise could settle.

[5]

The Committees of Correspondence were busy everywhere. In Philadelphia, in Charleston, in New York, in Boston, they were especially active and alert, for wherever the ships from England entered a port, the hated cargoes of tea might be unloaded. The greatest vigilance was necessary if the designs of Britain were to be thwarted and the tea was to remain untasted.

Tea had become a deadly poison to the colonists; and now it seemed as if it might also prove poisonous to the British—to the East India Company surely, which was likely to be bankrupted by the boycott on its product. Its huge stock was deteriorating; its huge investments were dwindling. It needed relief, and it needed it quickly. A loan would help; but Lord North, Prime Minister, had found, in April, 1773, an even better way to help them. The East India Company would get the loan. In addition, Lord North would arrange for the disposal of some seventeen million pounds of their tea. By eliminating the middleman—the merchants in London, the jobbers and retailers in America—the cost of tea would be so far reduced in price to the consumer that the tax of three pence on the pound would raise no ripple of

protest. The Americans would have their tea for *less* than before the tax had been imposed, the East India Company would be saved, and the principle of taxation, the important principle involved, would be accepted by the Americans. It was a cunning and a clever plan to subvert by bribery the people who protested, and to silence their leaders, who protested even more. If it worked . . .

It was a time for action. In Philadelphia, the consignees of tea were persuaded to resign their commissions. In Charleston, no tea was to be accepted. In New York, the committee sitting in the City Hall quickly decided that no tea was to be unloaded at the docks. Only in Boston, where Governor Hutchinson would brook no defiance of royal authority, was it apparent that the consignees would accept all shipments that were already in the harbor. If they could not be persuaded, could they possibly be coerced? Perhaps words would still avail though they had not availed before. The ships' masters might even be induced to avoid trouble by returning to England *without* unloading.

Useless. Worse than useless. At the old South Meeting House, Sam Adams declared that "this meeting can do nothing more to save the country." Reason was futile. The time for more vigorous action had come.

On the night of December 16, a company of "Indians" quietly, softly, went aboard the vessels lying in Boston Harbor. They looked like Indians, they were dressed like Indians, they even used the lingo in their passwords. "Me know you," fooled no one, least of all the young silversmith of the horror cartoon, Paul Revere; or the youthful Lendall Pitts, or William Molyneux, or George Twelvetrees Hewes, or any of the other merchants, carpenters, masons, barbers, blacksmiths and farmers, who swarmed up the sides and over the decks, ripping open the chests of tea, dumping them into the choppy waters of the harbor, and departing as quietly and as softly as they had come.

In Annapolis the *Peggy Stewart*, with its cargo of the forbid-

den leaf, was sent up in a roaring flame. In other ports, too, the aroma of tea was mingled with the acrid odor of fire, and there was no drinking of the beverage anywhere. Did some patriots still thirst for it? Then let them use "dried millet, catnip, balm, sage, and raspberry leaves." Such a brew would taste even better, for the flavor of liberty would sweeten it.

It was this flavor of liberty, now so forcefully supplied by the colonists to the Acts of England, that was most bitter to the North Ministry. For a long time now, successive governments had searched for a *modus vivendi* with the restive and recalcitrant colonies. To live with them in peace and harmony had entailed concessions and compromises, each one more irritating, each one more costly than the one before. The differences between Britain and America had multiplied many times the vast stretch of sea that divided them, and now it seemed that they might never be brought together again.

Britain was a nation. But what of America? Was it also a nation? It was, many both at home and abroad maintained, only a loose term for thirteen disparate nations, each one afraid and suspicious of the others, each one quite independent of all the rest, but all of them subordinate to the government of England.

Lord North, whose business it was to prove this contention, set about his task with energy and singleminded purpose. First of all, it would be necessary to strike the colonies where it would hurt the most. That, obviously, would be at the scene of the monstrous tea party, the town of Boston, where men had given up speech for action. Close the port of Boston, appoint a governor for Massachusetts who would do more than govern, a man who would also subdue the rebellious spirit that infested the colony. Give them a man who might know little about the right and wrong of legal matters but had no doubts of the value of force in deciding them. A general was the ideal man for the job.

General Gage was appointed. Did the saner men warn against such drastic measures—men

bridge and Dawdeswell? They were not heard. Did the Earl of Chatham protest against the "mad and cruel measures," whose apparent purpose was "to crush the spirit of liberty among the Americans"? It was all in vain. General Gage was confident that only four regiments would suffice "to prevent any disturbance."

It was possible. Had not General Wolfe, the hero of Quebec, expressed the opinion that "the Americans are in general the dirtiest, most contemptible, cowardly dogs that you can conceive"? General Wolfe was not too accurate in his description nor General Gage too restrained in his confidence. Four regiments might indeed be enough to quell the rabble of Boston; but what if Boston did not stand alone? What if the other colonies stood with it against the "mad and cruel measures"? All of them might not stand together—perhaps only a third of them could be counted on for united action, while another third remained indifferent; not hostile but aloof. The Tories, the wealthy, the great merchants and the large planters—these would support England in varying degrees.

In Virginia the House of Burgesses, again called into session by Lord Dunmore on May 5, 1774, was meeting for a purpose which the Governor believed was the only purpose of the session. He had become involved in a boundary dispute with the Colony of Pennsylvania in which the jurisdiction over Fort Pitt was being hotly contested. Virginia had built the fort as far back as 1758, though it lay within the Pennsylvania line. Lord Dunmore, impatient of settling disputes by debate, had proceeded to settle this one by force. British soldiers had assaulted many innocent people and even killed a few friendly Indians, starting an intercolonial warfare that was as stupid as it was brutal. To press it with greater ruthlessness, Lord Dunmore had called on the Burgesses for help to make his adventure legal and to give it the status of a colonial rather than a personal feud.

The Burgesses, on May 5, 1774, solemnly met and solemnly refused to sanction the precipitancy of the royal governor. Instead, it admonished him to withhold the use of arms—to wait for

a peaceful settlement of the boundary.* And then, proceeding with the business for which Dunmore had *not* called them together, they turned their attention to the imminent threat of the Boston Port Bill, which was to become effective on June 1, four weeks later.

The older members of the House, if left to themselves, might have done nothing. They were not left to themselves, however. The newer members were meeting in secret, and they were preparing plans and resolutions that would sweep them all along in the tide of events. With Patrick Henry at their head, they agreed on the need for "an unequivocal stand in line with Massachusetts." On matters like these, said Jefferson, "the lead in the House [was] no longer being left" to those whose years of service had made them overcautious if not downright fearful of the power of England. The younger men, the newer men, would devise some dramatic step that would fire the imagination of the dullards and infuse courage into the doubters. Dipping into precedents in the law, turning the yellowed pages of musty volumes in the library, they "cooked up a resolution" for appointing the first day of June as a day of "fasting, humiliation and prayer."

When it was passed by the House on May 26, and appeared in the *Williamsburg Gazette*, Lord Dunmore, outraged by the irregular and inflammatory *démarche*, immediately dissolved them. But this had been expected. It was by now a most usual procedure with the Governor—and it was followed by the procedure which had also become usual with the House. They simply adjourned to the public room of the Raleigh Tavern.

George Mason, no Burgess, but as deeply concerned with the events in Williamsburg, was also at the Tavern, not only as the neighbor and confidant of his close friend Washington, but as

* It must be said, in justice to Governor Dunmore, that he did what he could to avert Indian attacks on the Western Frontier. On the other hand Patrick Henry was certain that Dunmore's war was, in effect, motivated by the Governor's personal holdings in the Vandalia Company. To protect his lands he went to war.

advisor and expert on charter rights. He was a student of such matters, and a good patriot.

Writing to his friend Martin Cockburn, Mason told him what was happening in the little town of Williamsburg. "At the request of the gentlemen concerned, I have spent an evening with them on the subject, when I had an opportunity of conversing with Mr. Henry and knowing his sentiments as well as of hearing him speak in the House. . . . He is by far the most powerful speaker I ever heard. Every word he says not only engages but commands the attention; and your passions are no longer your own when he addresses them. But his eloquence is the smallest part of his merit. He is in my opinion the first man on this Continent, as well in abilities as public virtues." Of all the members of the House, "Patrick Henry is the principal."

Under its apparently quiet surface, Williamsburg was in turmoil. Behind the placid façade of each colonial government, the pressures of the Intolerable Acts^a were opening the fissures of political disaffection which would need only the explosive power of some dramatic event to rend them asunder.

Boston was the concern of all the colonies. It was in Virginia, however, that the dramatic event was slowly, yet surely, evolving in the minds of the leaders. Through the columns of the *Gazette*, resolutions and addresses, unheard on the floor of the House, were broadcast to the people, who were being warned of the attempts "to destroy the constitutional liberties and rights of all North America." They were admonished that "an attack made on one of our Sister Colonies, to compel submission to arbitrary

^a These coercive acts included the Boston Port Bill, the Massachusetts Government Act, the Act for the Impartial Administration of Justice, the Quartering Act and the Quebec Act. This last Act (June 1774) added still more fuel to the fire, for in addition to extending the boundaries of Quebec southward to the Ohio River and westward to the Mississippi (endangering the investments of many leaders like Henry and Washington in the *Vandalia Company*), it made the Protestant colonies of New England fearful of Catholic inroads.

taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied." And for the purpose of applying the united wisdom of all, the Committee of Correspondence was directed to "communicate with their several corresponding committees on the expediency of appointing deputies from the several colonies of British America, to meet in General Congress. . . ."

For the first time in the history of the colonies a congress was being called together to deal not only with one grievance, but with the whole problem of recurring grievances.

Nicholas Creswell, a loyal Englishman traveling in Virginia, recorded in his diary the mood of the people there. On May 30, 1774, he noted that he had dined at the home of Colonel Harrison. "Nothing," he wrote, "talked of but the blockade of Boston Harbour. The people seem much exasperated at the proceedings of the Ministry, and talk as if they were determined to dispute the matter with the sword." George Washington may have been right when he confided to his friend Mason that the use of "a-ms" might be necessary. Before they could be used, however, all the colonies would have to agree on some common plan and purpose. All of them, according to Creswell, would have to be persuaded "that the Government is going to make absolute slaves of them."

The call which went out from Williamsburg for deputies to the Congress was already on its way to all the other twelve colonies. At the same time, a meeting of the Virginia delegates was set for August 1, whose purpose would be the appointment of deputies of the General Congress to be held in Philadelphia.

Virginia, pointing the way in this as in other matters affecting the welfare of all, was in deadly earnest. Any doubts that still existed in the minds of many of her loyalist citizens of its serious intent were dispelled on June 1, the day set aside for fasting and prayer. "The fast was obeyed throughout Virginia with such rigor and scruples, as to interdict the tasting of food between the rising and the setting sun."

[6]

Samuel Adams was making people aware of the danger of inaction. Creswell, still taking notice of the mounting agitation, had transferred his anger to the "canting, whining, insinuating tricks" of the New Englanders, and to "Presbyterian rascals [who] have had sufficient address to make the other Colonies come into their scheme." In one respect, at least, he was right. The other colonies *were* coming in. Adams had sent some Boston resolutions to Philadelphia, calling on the Quaker City "to stop all importations from Great Britain and exportations to Great Britain and every part of the West Indies, till the Act for blocking up this harbor be repealed." Philadelphia, through the leader of its own Committee of Correspondence, John Dickinson, had demanded that the Governor of Pennsylvania call the Assembly together for immediate action. Maryland was assuring Virginia of its full support, and Delaware, Connecticut and North Carolina were applauding the Old Dominion for its forthright stand on liberty. All the colonies but Georgia had spoken, and Georgia had been prevented from speaking because the governor had prohibited the selection of delegates to the Congress.

Lord Dunmore would also have liked to prevent it in Virginia. But he was too busy arranging a gala ball for his lady and his charming daughters; he might even have thought the idea too silly to waste any of his precious time on it. He would think differently, perhaps, when the Virginia Convention met in Williamsburg, with his most hated enemy, Patrick Henry, to lead them. For Patrick Henry and his half-brother John Syme had been chosen by the freeholders of Hanover, who had informed their representatives clearly and fully of their desires.

"Let it suffice to say," they had concluded, "once and for all, *we will never be taxed but by our own representatives.*" There was no need to add—though they added it: "United we stand, divided we fall."

Patrick Henry knew that he had the support of most of the yeomen and planters of his own county; he was hoping that all the other counties would also support him, when the Convention met on August 1 to choose the delegates to the Continental Congress.

There might be different opinions about the methods for bringing about a sane and reasonable attitude on the part of Britain, but, in the Old Dominion, at least, there was a fair unanimity on its necessity. Even the planters, saddled by debts to English merchants, were willing to join a radical movement that might relieve them of these outrageous British exactions. The complaint of "A Planter" was no new one when he said that "every article of merchandise that is not the produce of Britain must first pay its duties to the Crown and then be re-exported to Virginia and undergo an additional advance of 75 and sometimes near 150 percent here."

The Convention elected as delegates George Washington, Richard Henry Lee, Peyton Randolph, Benjamin Harrison, Richard Bland, Edmund Pendleton and Patrick Henry. These men did not see eye to eye on all the questions involved, for some were radicals and some were conservatives, some of them still believed in caution that was akin to appeasement, while a few had no further thought of appeasing the mother country. Patrick Henry would impress on them all the instructions of Hanover: "*We will never be taxed but by our own representatives.* United we stand, divided we fall."

One man, though elected by Albemarle County, had been unable to attend the Convention. Thomas Jefferson, stricken with dysentery on the way to Williamsburg, had returned to his home. He had sent a letter to Peyton Randolph, the President of the Convention, and a copy to Patrick Henry, whom he considered its leader, suggesting certain measures that should be taken by the delegates to the Congress. Jefferson, always readier with the pen than the tongue, had made an acute appraisal of the relations between England and its colonies, and his "Summary View of

of the Rights of British America" was widely distributed in pamphlet form. It was a challenge which declared that "The British Parliament has no right to exercise authority over us." Such authority, it maintained, would "suspend the powers [of a government] free and independent as itself."

Was it really so? That was the crux of the whole matter. And who believed it? Not England. Not even the colonies themselves. The philosophical Jefferson believed it, and the passionate Patrick believed it. George Washington still believed in "a-ms," though now he was filling in the missing letter, spelling out the whole word. At the Convention he had boldly declared: "I will raise one thousand men, subsist them at my own expense, and march myself at their head for the relief of Boston." Patrick Henry would be equally bold when the Congress convened at Philadelphia.

It was a foregone conclusion that just as Virginia would send Patrick Henry, so Massachusetts would send Samuel Adams. Among its other delegates was also Sam's young cousin John. John Adams was as much concerned with liberty as Sam, but in a more correct and cautious way. He was a lawyer—and most lawyers are correct in a cautious sort of way. If Patrick Henry was neither correct nor cautious, it was only because he, like Sam Adams, was not obsessed by precedent nor too impressed by law. As Jefferson said, he had little faith in charters and drew all natural rights from a purer source—the feelings of his own heart. For some things there were no precedents, and no law could perpetuate tyranny.

The journey to Philadelphia was a great event in the life of Sam and John Adams despite the long and tedious ride over rutted roads and through thick forests. For Sam Adams, sunk into the hard cushion of the rattling vehicle, it was also a gala experience. His friends had contrived to dress him up in clothes suitable to his new dignity. For the first time in years he had a new suit on his back, and more astounding still, a few gold

coins clinked in his pocket as the coach bumped along on the rough highway to Philadelphia. Sam looked bright and almost cheerful with a glow of independence he had never felt before. Independence! What a long, long road would have to be traveled by him and by others before it was achieved. But already, while they were jogging along in their coach-and-four, events were shaping up in the Quaker City that would start the colonies on that hazardous road.

Thomas Lynch, of South Carolina, was already in Philadelphia making the arrangements and settling the details for the meeting of the colonies. John Rutledge and Christopher Gadsden were with him. By August 30, Philip Livingston and John Jay, of New York, had arrived, as well as William Livingston of New Jersey. Caesar Rodney, tall, thin and pale, in whom burned a great fire for freedom, was one of the delegates from Delaware. Roger Sherman and Silas Deane represented Connecticut; John Sullivan, New Hampshire; Samuel Chase and Thomas Johnson came from Maryland, and William Hooper from North Carolina. Pennsylvania, the colonial host to them all, had as its first man Joseph Galloway, who had better not have been sent at all. More in keeping with the business to be done in Philadelphia was John Dickinson, author of the widely read and deeply perceptive "Letters from a Pennsylvania Farmer." Dickinson attended later. The colonies were represented by some of their finest, most stalwart men. There were exceptions—while Georgia held the unique distinction of having sent no one at all.

When the Massachusetts men reached the city of Philadelphia after a dusty and exhausting journey, they were amazed at the reception given them by the delegates who were already there. Coming as they did from the scene of the greatest trouble, Sam Adams and his fellow-travelers were hailed by delegates and citizens alike, who escorted them in their carriages and on foot "to the most genteel tavern in America, Smith's, where an elegant dinner awaited them." A few of the reception committee took the occasion to beg Sam Adams for a favor. "Whatever you do,

don't mention the idea of independence." Most of them were still afraid even of the word itself. A few were not afraid—the "gentlemen from Virginia," John Adams observed, "appear to be the most spirited and consistent of any."

Patrick Henry was not yet among them. He was at Mount Vernon, for a short visit with Edmund Pendleton at the home of Washington. Martha had been so good a hostess that they had dallied for a while, resting before the last lap of the tedious ride on horseback. As they finally mounted their horses on August 31, after a cordial leave-taking, Martha Washington pleaded with them "to stand firm." And she added: "I know George will." Four days later they galloped into the largest city in America, the home of the Quakers, and the liveliest business center on the continent/

This day it was not busy, for it was Sunday, and aside from the tolling of some church bells, and the strolling of some people on the narrow streets, the hush was deep and pervasive. Yet the news of the arrival of these men from Virginia spread through the city, and the people of Philadelphia learned that the Congress was ready to proceed with its business on the scheduled day. Except for hearsay, these Virginians were strangers to most of the delegates, but it was their general opinion that few others beside them possessed "such firmness, sensibility, spirit, and thorough knowledge of the interests of America as the gentlemen from the Southern Provinces."

Martha Washington had no need to plead with them to be firm. Sam Adams need have no fear of uttering the word "Independence." Patrick Henry had already made up his mind about it. And Washington—had not Washington spoken about raising a thousand men and marching on Boston? Governor Dunmore understood the unflinching purpose of these men, for he hoped "that the result of their proceedings may be such as not to cut off all the hope of that union with the mother country which is so essential to the happiness of both."

The Congress, now about to convene, might supply the answer.

[7]

Philadelphia, in the year 1774, was a thriving metropolis. Its network of narrow streets traced a pattern of small homes as like one another as possible. A few houses were different. The wealthier Quakers still affected the simple, even severe, costumes and the wide-brimmed hats of an earlier day, but their homes were a far cry from that simplicity or severity which their faith, like their persons, retained with each passing generation. Their rooms were lavishly furnished in fine Chippendale, and their tables in expensive silver, while their gardens and orchards set off their mansions in arresting beauty.

Philadelphia also had a pre-eminent position in culture and learning, due, in no small measure, to the activities of its most famous citizen, Benjamin Franklin. In September, 1774, Franklin was in England, trying, as he had tried so many times before, to bring some semblance of order out of the chaotic relations between the mother country and the colonies. An old man already, he was still alert and virile enough at sixty-eight to enjoy the homage of London society, which looked on him as an ambassador of good-will and a most fascinating person in his own right. The ladies, especially, in their lighter moments—as in his—found him most diverting with his cautious gallantries and seductive manners.

There were some who did not approve of him. They were incensed at his too partial espousal of the cause of his countrymen, and they were further aroused by his part in the publication of the Hutchinson letters. At a time when he was presumably trying to effect a reconciliation with Britain, he was being reviled and insulted, and the office of Deputy Postmaster General of North America, which he had held and honored with faithful service, was taken from him. His own son, William, declared his sympathies for the Tories of England, and himself remained a Tory to the end of his days.

The old man was not daunted, however. He remained in London, hoping against hope that a conflict might still be averted, that some accommodation might still be arranged that would leave unimpaired the basic relationship between the colonies and the Crown. Franklin could see no valid reason for *not* continuing it. And while he labored abroad for peace, at home it was becoming increasingly evident that there would be no peace. On September 5, the Continental Congress was called to order to decide the issue.

The meeting place was a red brick building called Carpenter's Hall. It was only a stone's throw from the New Tavern where the delegates assembled and marched in a body to the first sitting in its great chamber, from whose high-paneled windows they could look out on the sloops and schooners and assorted craft that lay at anchor in Dock Creek. Close by flowed the muddy waters of the Delaware, broad and placid and deep—deep enough for the largest vessels that came from England to tie up at its wharves.

The Assembly of Pennsylvania, as hosts to the delegates of the Congress, had set aside the great chamber of the Hall for their exclusive use as the only one large enough and fit enough for such an august gathering. The long entry was just right for the stretching of one's legs between speeches, and the fine library adjoining the chamber would be useful to those who needed precedent to sustain them. The Assembly of Pennsylvania had once found the Hall adequate to its own uses, but the business of the colony had expanded to such proportions that a new State House had been built for the lawmakers.

The delegates met in an atmosphere of secrecy, not knowing the depth of their own unrest nor the means that might be used to assuage it. Their Secretary, Charles Thomson, had been elected to keep the records, and he kept them literally, in strictest confidence, so no one beyond the walls of Carpenter's Hall could know what transpired there; in spite of which the British Government was kept fully informed of the business at these meetings.

Not all of the fifty-five delegates were agreed either on their business or the dangers which it involved. All of them believed in liberty, yet many of them also believed in conciliation, in the gentle word that turneth away wrath. The wrath of England was not lightly to be inflamed. The Tory sheet, *Royalist*, was warning them that "your necks may be inconveniently lengthened if you don't look out." And some of the delegates were looking out, either from fear or from a clinging doubt that the King was wrong. The Tories would not take issue with the Crown, and many loyalists would only take issue in a most respectful manner.

John Adams, watching the delegates, believed that most of them were "trimmers and time servers." As he cast his discerning eye over the assemblage, he was of the opinion that it was "one-third Whig; another Tory, the rest mongrel." The Whigs could be depended upon to do their duty for America. The Tories would have to be watched. The mongrels might be swayed to one side or the other, on the question that was uppermost in the minds of all: what measures could be taken by this new and untried gathering to end the bondage of the colonies?

When Patrick Henry rose to make the first speech in Carpenter's Hall, he, at least, was certain that the time for a break had come. Dressed in a severe parson's gray, slight and stooping, his bald head encased in an unpowdered wig, his small-lensed, gray-rimmed spectacles perched almost at the tip of his long nose, Patrick Henry was the focus of all eyes, his words the focus of all ears. Few delegates had ever seen him before.

As he began, slowly, even haltingly, then with a "novel and impassioned eloquence," men turned to each other in that chamber to ask, "Who is it? Who is it?" When they were told it was Patrick Henry, the quiet that settled on the Congress was disturbed only by the voice of this man, soft and ringing by turns, who was reviewing for them the many wrongs suffered by his country. His face glowed, "his eyes flashed, and his voice, rich and strong, rang through and filled the hall."

It was on the second day that he would become specific in his proposals. But first, there was the question, to be settled at the outset, on the voting procedure of the Congress. It was an important question, to be debated for many years to come. Were the colonies equal? Was the vote of each colony to have the same weight as that of every other colony?

The questions were new to this Congress—but they were not new in the colonies themselves. In the Old Dominion the planter aristocracy had perpetuated its power by a system of unit representation. The Tidewater counties with small populations had equal representation with the upland counties of far greater numbers of free souls. The few had always outvoted the many—and the aristocrats still believed in the unitary system that protected them and their way of life. The rotten borough political methods of Old England were carefully guarded in the new world, and it would take a long time to change them. Jefferson, in his *Notes on Virginia*, was to point out later the political inequities that prevailed in the Old Dominion. "The majority of men in the State who pay and fight for its support are unrepresented in the legislature, the roll of freeholders entitled to vote not including the half of those on the rolls of the militia or the tax gatherers."

The basis of democracy was involved in the answer to these questions. If the people were to be the source and strength of America, then numbers must count, not geographical units; souls, not acres. Patrick Henry believed that a precedent must be established now. "It would be a great injustice," he said, "if a little Colony should have the same weight in the councils of America as a great one. . . . Ten thousand Virginians have not outweighed one thousand others. . . . It is one of the great duties of the democratical part of the constitution to keep itself pure." The Congress itself must decide. It was the only government of the colonies because "Government is dissolved. The distinctions," Patrick Henry emphasized, "between Virginians, Pennsylvanians,

New Yorkers, and New Englanders are no more. I am not a Virginian, but an American."

An American! That was the challenge that echoed through the hall of the First Continental Congress, and it was a challenge which the delegates were not yet ready to meet. They debated the question, and then agreed on the method of voting against which he had spoken: each colony, regardless of its size or population (scarcely known in any event) would have one vote. Patrick Henry, understanding the imperative need for unity, accepted the will of the Congress and turned to the business which had brought them together. The urgency of that business became more apparent than ever before as word reached Philadelphia of the British occupation of Boston. It made little difference that no blood had been spilled. The outrage of itself was sufficient to arouse the people, the delegates too, to the imminence of war. For Gage was bringing many of the regiments into Boston. He had sent a force to Cambridge to carry off the powder that belonged to the province. He was appealing to England for reinforcements. And now he was building some fortifications on land, to block the entrance to Boston from all sides. Not only was General Gage busy with warlike actions against Massachusetts; the citizens of Suffolk County were also active. They were sending delegates to a convention of their own, whose purpose would be the immediate planning of countermeasures against the British. The people could not wait for the Congress in Philadelphia. Time was pressing—and Gage was pressing too.

General Gage was not a vindictive man or an evil one. He was only a good public servant who was true to his own country—the British Empire. As a military man he saw his duty and proceeded to perform it with dispatch. That he was also the Governor was only an added reason for acting quickly, with military precision. Hutchinson, who had hated the rabble rousers of Boston, had been less aggressive, and his own measures had been

ineffective except to increase the hatred on both sides. He had been recalled to London. General Gage would not wait until this happened to him.

Boston's turmoil soon became known to the delegates at Philadelphia, when a rider galloped up to Carpenter's Hall with the Suffolk Resolutions. The little man who jumped from the saddle, breathless and eager, was the same one who had once drawn a cartoon of the Boston Massacre. He was as good a rider as an artist—a small man with large talents. Paul Revere could engrave on copper plate as easily as he could design a piece of fine silver. He could build a powder mill or a dental bridge equally well, and he knew how to print paper money or command a regiment of artillery. Perhaps best of all, he loved to leap into a saddle, and ride hard, if only there was some occasion for it. He had ridden post-haste to the Congress at Philadelphia with the resolutions drawn by Dr. Joseph Warren, the philosopher and disciple of John Locke, and passed with but little debate by the inflamed citizens of Boston.

The delegates found the resolutions to their liking. They were forthright and courageous and easily understandable. The King, they said, ruled only by agreement of the people; any change in the charter was unconstitutional and void; no taxes would be paid to any nominee of General Gage; and finally, if political arrests were made, the officers of the Crown would be seized as hostages. The Congress, urging all the colonies to contribute to the relief of the people of Boston, approved everything.

Patrick Henry also approved. We can know this, as so much else about him, only through the words of others, for of all the leaders he left fewer words in writing than any of them. John Adams, who recorded "the noble sentiment and manly eloquence" of the members, including doubtless Patrick Henry, also noted that "This was one of the happiest days of my life. This day convinced me that America will support Massachusetts or perish with her." It remained for Silas Deane to tell us—in telling his wife—about Patrick Henry. Mr. Henry, he wrote her, "is

the compleatest speaker I ever heard. If his future speeches are equal to the small samples he has hitherto given us, they will be worth preserving, but in a letter I can give you no idea of the music of his voice, or the high-wrought yet natural elegance of his style and manner." On witnesses like these we must depend for our knowledge of what he said and how he said it.

For seven weeks and more the delegates labored with reports of committees, and listened to speeches by Patrick Henry and by others, whose purpose it was to seek out the paths by which the freedom of America could be secured. Two ways had already been charted, by the Virginia Convention. One was, NO Importation. The other was, NO Exportation. Strike at the root of the evil, at the money power of England.

Trade nourished British Imperialism. Once that trade had favored the colonies—exports had far exceeded imports.^a Now it was the other way about. Now, imports by the colonies created a balance in Britain's favor of nearly three million dollars annually. If the laws which had reduced Boston, indeed, all the people of America, to slavery, were not rescinded, the Congress agreed that nothing would be imported after December 1, 1774, and nothing exported after September 10, 1775. Only rice was excepted, when South Carolina withdrew from the Congress, though Christopher Gadsden, also from South Carolina, would not exempt even rice from the restrictions. He would yield nothing, not even if all their possessions were lost in the struggle. "Our seaport towns," he declared, "are composed of brick and wood. If they are destroyed we have clay and lumber to rebuild them. But if the liberties of our country are destroyed where shall we find the materials to replace them?"

^a Many advantages had once accrued to the colonies from the Navigation Laws. "Colonial staples were given a monopoly of the home market, colonial ships shared the favors enjoyed by English ships, and there were bounties to stimulate the raising of certain products . . . while the Royal Navy also protected the trade of the Colonies." John Adams' views on the Navigation Acts, however, were summed up in the belief that they compelled the colonies to sell in the cheapest market and buy in the dearest.

But harmony was at last restored. And a Continental Association was its result. This was the body that would effectively control and enforce the boycott on English trade. One danger had been surmounted by a small and perhaps meaningless compromise. Almost at once another danger arose. This time it came in the guise of a plan proposed by the Tory-minded Joseph Galloway of Pennsylvania. Its purpose was to conciliate the differences between Britain and the colonies by establishing equal and co-ordinate control of all trade by *both* England and America. The power of taxation, though sugar-coated, remained the same. It was an involved plan with many obscurities—but its unmistakable purport was the continued sovereignty of the Crown and the continued subservience of the colonies. Few of the delegates could see through it, and only one of them arose to combat it.

Patrick Henry saw through the Galloway plan and he opposed it. What kind of compromise was this that was offered? He refused to substitute one evil for another; taxes under the old form or under the new plan were equally reprehensible. "Before we are obliged to pay taxes as they do, let us be as free as they; let us have trade with all the world. I am inclined to think the present measures lead to War."

The delegates were hesitating. Was Galloway's plan the best one to maintain peace with honor? Was Patrick Henry right in warning against any plan that withheld rights which Englishmen already had? The Congress was divided—the Tories and the Whigs were appealing to the mongrels. Here was a path that led to freedom, one party believed. This is the way to bondage, said the other. And when the toll was taken, it was defeated by a single vote. Sam Adams, seeing the new danger, had helped to defeat it. He and the other radicals had saved the day. Perhaps it was natural for Judge Chase of Maryland to whisper to his neighbor: "We may as well go home; we are not able to legislate with these men."

Judge Chase was chagrined at the intransigency of Patrick

Henry and Samuel Adams. Joseph Galloway, more than chagrined, would not even try to work with them. At the proper time he would work against them.

But by that time he would be as powerless as the other Tory-minded men of America to stem the tide toward complete independence from Britain. The Declaration of Independence, drawn by Thomas Jefferson two years later, would amplify the Declaration of Rights, drawn in this Congress before it adjourned. It was not as forthright as the later instrument, and the ten resolutions of which it was composed still affected a tone of conciliation. It did, however, include a summary of the grievances against England, and maintained the fundamental rights of the colonies which were derived "from the immutable laws of nature, the principles of the English Constitution, and the several charters and compacts." It protested the willingness of the colonies to abide by certain regulations of mutual benefit to them and the mother country, but specifically excluded "every idea of taxation, internal or external, for raising a revenue, on the subjects in America, without their consent."

On this defiant note the Congress was ready to close its labors. It was the note which Patrick Henry had sounded both outside the walls of Carpenter's Hall as well as inside. And it epitomized his opposition to the Galloway plan.

[8]

Congress, tired and homesick, wanted to leave Philadelphia. Patrick Henry, who had been away from home for nearly two months, was anxious to get back to Hanover where Sarah, his wife, was ailing, and Annie, his favorite sister, was down with a fever. The "sickly season" of Tidewater Virginia had played havoc with many people who had succumbed to the vapors that steamed from the lowlands. But there were other troubles in addition to these, as Sarah Henry informed her son. Sarah Henry, recently widowed by the death of John, was looking after the

family in Hanover, and she was worried about the raids of the Indians on helpless hamlets, about the fevers that attacked her kin with equal stealth and ferocity, and, much more than these, perhaps, about the ever-present threat of the British from the sea. Patrick Henry would have liked to get home for these and other reasons, too. The accounts which he had received from his half-brother, John Syme, on the sale of his wheat were inaccurate. Only a small portion of his land had been cultivated, and he depended on its yield to supplement an income that was scarcely sufficient to support his family. His other tracts—some of them were even now being surveyed by John Floyd—yielded nothing but debts. His law practice was entirely gone.

But neither he nor Congress could leave; their work was not yet done. On October 6, another letter arrived from Boston's Committee of Correspondence with more disturbing news about General Gage and his fortifications which were hemming in the people as in a vast stockade. They were cut off by land and sea, and they pleaded for help. What were they to do? Would it be better to leave Boston or to stay? And what laws were they to observe? The General Court had been closed, and there remained no appeal to anyone but the Governor who was himself responsible for all this.

Wearily, the delegates gave the only answer possible. They resolved to support the people of Massachusetts in all acts of opposition to the laws of England, and "if the same shall be attempted to be carried in execution by force, in such case all America ought to support them in their opposition."

Without power, without money, without even a unified allegiance, that was all the Congress could do. It had adopted a Declaration of Rights. It had set up the machinery of a Continental Association. It had formulated an Address to the King that was gall and wormwood—mixed with a bit of honey. It had framed a lofty manifesto to the inhabitants of Canada, urging their adhesion to the people of the North American colonies. And, perhaps most important of all, it had defeated—if only by a

single vote—the Galloway plan which would have changed nothing. The Congress had wrought well, and wisely; so well, indeed, that even in England the business of the delegates was considered with profound respect, if also with bridling anger. In the House of Lords the generous and tolerant Lord Chatham solemnly said, "I must declare and avow, that in all my reading of history and observation . . . for solidity of reasoning, force of sagacity, and wisdom of conclusion under such a complication of difficult circumstances, no nation, or body of men, can stand in preference to the general Congress at Philadelphia. I trust it is obvious to your Lordships, that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal."

It was not obvious to their Lordships, even when Lord Camden announced that he would have given half his fortune to "have been a member of that which [I believe] to be the most virtuous public body of men which ever had or ever would meet together in this world."

The people of Philadelphia must have believed it also, for the delegates were fêted as if they were indeed the most virtuous body of men in the world. Sumptuous dinners were given for them, at which "curds and creams, jellies, sweet-meats of various sorts, twenty sorts of tarts; foods, trifles, floating islands, whipped sillabubs," were served, to say nothing of roast duck, and smoked sprats, and other delicacies without number. And to wash them all down, there was an ample supply of beer and porter, punch and wine, for repeated toasts to the country which had experienced its first pangs of nationhood. The toast that moved them most was the one which, like a prayer, was spoken softly and sincerely: "May the sword of the parent never be stained with the blood of her children."

Most of them still hoped so. All but a few still believed so. Reform was what they were aiming at, not violence or rebellion. Patrick Henry was not one of them. Speaking with John Adams, before he left for home, he persisted in his belief that the work

of Congress would not stay the hand of Britain. Like Major Hawley of Northampton, he thought the time for peaceful negotiations had passed. Hawley had written to Adams: "After all we must fight." And Patrick Henry, "with an energy and a vehemence that I can never forget," added, "By God, I am of that man's mind."

Few saw the issue as clearly as he did. Unlearned in the philosophy of Locke, untutored in the libertarian tracts of the times, he believed what his own experiences taught him, his own "naïteral parts" enjoined upon him. From the remote days of the Parson's Cause to the present, the process of appeasement had failed. It was Patrick Henry's resolutions on the Stamp Act that had begun the trouble. They had started the ball of revolution rolling, and once started it could not be stopped.

With unique clairvoyance, Patrick Henry understood all this. When Colonel Samuel Overton asked him "whether he supposed Great Britain would drive her colonies to extremities," he made the one answer that few others would have cared—or dared—to make. "She *will* drive us to extremities," he replied. And he continued, "Hostilities will *soon* commence, and a desperate and bloody touch it will be." More; France, Spain, Holland, he believed, could be counted on to help America. France, above all, would help. When?

And then he added the words—the first to be uttered on the one question that was still nebulous in the minds of the delegates, even the most radical of the leaders—"When Louis XVI shall be satisfied by our serious opposition, and our *Declaration of Independence* . . . our independence will be established, and we shall take our stand among the nations of the Earth."

It was no wonder that Colonel Overton and the few others who heard him were startled. "They had never heard anything of the kind even suggested." The delegates, enjoying the hospitality of Philadelphia, would also have been startled.

They did not hear it. They were hastening out of the Quaker city in a downpour of rain. They had voted for resolutions that

might mean revolution, but many had voted grudgingly, others with profound mental or moral reservations, and some with foreboding. When the hour approached for them to translate their words into deeds, the deeds of some of them would belie their words. The event would tell.

And the event was not far off. Government in the colonies, as Patrick Henry pointed out, was dissolved. In Virginia, Lord Dunmore still acted the part of regal Governor and still ruled from the palace in Williamsburg. The Burgesses, an outlawed body, were not meeting at the Capitol but at the Raleigh Tavern in the great Apollo Hall. They were meeting not as Burgesses but in convention as the servants of the people. Local committees were forming throughout the great domain of Virginia to take over the functions of government and to enforce the decrees of Congress.

The Tories were complaining that "It is not now possible for any of our countrymen to travel the country without a pass from Committees or Commanding officers . . ." The people were warned against any dealings with Tories if "they would avoid being considered the enemies to American liberty." The surveillance was a strict one, and if anyone forgot the warnings, it was made plain that they would be enforced. If a newspaper notice, giving the names of backsliding or timid citizens, was not enough to bring a change of heart or action, there were more impressive ways to achieve results.

Archibald Cary, impatient of weaklings or renegades, indicated one of them. He erected a tall pole in the city of Williamsburg, plain for all, including the Governor, to see. At the top of it, stern reminders for those who were not stern enough in this business of liberty, he hung a bag of feathers and a pail of pitch. If subtle suasion failed, then obvious violence would succeed. Young James Madison even approved its use in the case of the recalcitrant clergy. Madison was certain that a parson could be brought to terms "should his insolence not abate," by the simple expedient of decking him out "in a coat of tar and surplice of feathers."

Few were the hardy souls who were not persuaded. The loyalists were afraid to oppose the tide—though they still hoped that it would be stemmed. Hoping, they were outraged by the high-handed methods of these self-appointed guardians of freedom. “Everything,” one loyalist said, “is managed by committee, setting and pricing goods, imprinting books, forcing some to sign scandalous concessions, and by such bullying conduct they expect to bring Government to their own terms.”

Patrick Henry, jogging homeward on the three-hundred-mile ride from Philadelphia to Hanover, did not believe that these measures would bring the government to terms. In his opinion only a war would do that. Patrick Henry was ready for war.

PART III



The Beginning of a Revolution

[I]

THERE was not one member," John Adams wrote when he returned from the Continental Congress, "except Patrick Henry, who appeared to me sensible of the precipice, or rather, the pinnacle, on which he stood, and had candour and courage enough to acknowledge it."

Others also had them, but they still believed that wisdom was the better part of valor; wisdom might yet bring about the capitulation of England. In truth, they feared that what they stood on was a precipice and not a pinnacle. Liberty could be defined in many ways, and its understanding and achievement

Illustration above: St. John's Church in Richmond, meeting place of the Richmond Convention in March, 1775, when Patrick Henry made his most famous speech.

could be advanced or retarded according to its definition. To understand it is the measure of a man. To achieve it is the measure of a country.

In Boston, where the impact of British oppression was felt most directly, the process of achievement was making some rapid strides. Men were already being formed into companies; they were being drilled and armed to be ready at a moment's notice. They were the minutemen who would follow the lead of organizers like Sam Adams and John Adams, recently returned from the Congress with promises of support to the people of Boston.

Not only in Boston, but elsewhere too, committees were busy preparing, organizing, arranging the details for making that support effective. Rhode Island was moving forty-four pieces of cannon from the batteries at Newport and setting them up in Providence. In Maryland all persons between sixteen and fifty were being asked to form their companies into military units ready to act "on any emergency." Connecticut, the Carolinas, Delaware, were moving rapidly to similar ends. Even Georgia, which had sent no delegates to the Congress, now approved its proceedings, and took steps to help with more than approval. Only New York, its assembly still dominated by the Tories, had failed to approve. And even here, while all the other colonies were busily engaged in devising "the means of repelling force by force," there were not a few who would also be forceful when the event should require it.

Virginia was certain the event would not be long delayed. No sooner had Patrick Henry returned to Hanover than notice was given to the militia to assemble immediately at Smith's Tavern in Merry Oaks, not far from Hanover Court House. Patrick Henry, after a brief visit with his family, was already there to inform them of the urgency for quick action. The rights of the people were in great danger; recourse to arms was highly probable; volunteer companies must be assembled without delay, in Hanover and throughout Virginia. Only six or seven companies were readily formed—not enough and not even properly armed, but

it was not because of a lack of support for Henry's plan nor a lack of enthusiasm for his leadership. There was a feeling, more hopeful than reasoned, that England would back down again as it had done before; the petitions of Congress and the Address to the King would bear fruit in some compromise that was both honorable and just. Surely, the nonimportation of British goods would stir even the meaner spirits to a more conciliatory attitude. The people of Virginia were not far wrong, either. The threat of the boycott did stir the merchants of London and Bristol, of Manchester and Liverpool, of Birmingham and Norwich, to pour their petitions into Parliament, petitions pleading for conciliation with the colonies and the restoration of their trade.

But George the Third was King. He remained unmoved. If the colonies were determined to thwart him he could show them that he had not forgotten his mother's advice. He would refuse to change anything—unless, indeed, he changed it for the worse. He would outlaw the colonies, and declare all colonists who opposed him traitors. The troops would not be removed from Boston, and the laws would be enforced more rigorously than ever before. Only those rebels who repented would be pardoned—and no repentance would help the few whose names were specifically exempted from all pardon.

It was in January, 1775, that Parliament agreed to all the King's demands. The news traveled slowly across the three thousand miles of sea, and it was not yet known in America. The *Williamsburg Gazette* of March 18 carried a letter from London, written several months before, which relayed a rumor—a rumor and nothing more—that "all the Acts will be repealed." They were not repealed. Instead they were strengthened, though this, too, the people of America did not yet know. Many of them hoped that the *Gazette* report was true. Still others believed it was possible. A few believed in nothing but preparedness for what they thought was inevitable—war.

And these few were most active in Virginia. The call for volunteers had not been too successful. The optimism of Patrick

Henry's neighbors was still strong. Arms were far from plentiful. Violence was far from attractive; yet the danger, as these men saw it, was imminent, the occasion was pressing, and the time for action was—now!

The action decided on was the calling of another Convention, to meet this time at Richmond, a town sufficiently removed from Williamsburg to allow for unhampered discussion and unfettered decision. On March 20, two days after the appearance of the "rumor" of the repeal, the Convention of one hundred and twenty delegates was called to order in St. John's Church.

What was of prime importance was to persuade the delegates of the fallacy and danger of optimism. If Patrick Henry, and those who, like Richard Henry Lee, believed as he believed, in immediate preparedness for war, could not do this, the Revolution might well be lost before it was fairly begun.

The business at Richmond was progressing without debate. As yet, no controversy had arisen. All seemed harmonious, pleasant, even happy. The Congress had done well—and the King could be expected to do even better. Many of the delegates in the Convention were confident of England's sweet reasonableness.

Patrick Henry, so far from being confident, was determined to blast the confidence of others. With prophetic understanding of the issues involved, he was waiting only for the moment when he could shatter the complacency of the delegates. His opportunity came on the third day of the convention, when a resolution was offered to thank the Jamaica Assembly for its address to the King. It was an apparently harmless address in which the Jamaica Assembly had stoutly defended colonial rights, but it also contained a few matters which neither Patrick Henry nor his followers could permit to pass unchallenged. The delegate from Louisa objected to the vote of thanks, which included a statement that Virginia—and the whole of North America—hoped for "a speedy return to those halcyon days when we lived a free and happy people."

What was this, Patrick Henry wondered. A free and happy people? When was that? What were those halcyon days for which the Convention was yearning again? Did they really know the meaning of free and happy? Words, words, whose meaning they scarcely understood, whose essence they scarcely apprehended. Did they understand and apprehend them? Then there was but one way to prove it—*they must be ready to enforce freedom*, without which happiness can come to no man, and to no people.

Here was an amendment to the resolution, offered by Patrick Henry. First of all, a well-regulated militia was necessary as the only security of a free government. Second—such a militia was needed *now*; they could not wait on the legal instability of a House of Burgesses called together by a hostile Governor. Last—"That this Colony be immediately put into a posture of defence." The man from Hanover meant business.

Among the leaders of the Convention there were many whose views were quite different. Pendleton, Bland, Nicholas, Harrison and others were opposed to this warlike amendment to a peaceful resolution. It was not only warlike—it was a virtual declaration of war. Why was it necessary to hasten violence which could be avoided?

The debate had begun. The peace and harmony had fled from Saint John's Church, and from its pews there issued loud and angry voices. Thomas Nelson, one of the richest men there, spoke for action. Before God, he swore, he would repel any British troops that came to Virginia's shores. If one rich man spoke thus, the other landowners could not hold back. Would any of them oppose this amendment for the security of their lives, their fortunes and their sacred honor? Richard Henry Lee did not believe it. Thomas Jefferson, sitting quietly in his seat, watched the debate as it rolled in waves across the little house of worship. Patrick Henry was the spokesman for those who believed as he did—Jefferson would wait for him to speak. "It must be allowed," said

Jefferson, "that [he] was our leader in the measures of the Revolution in Virginia, and in that respect more is due to him than to any other person. . . . He left us far behind."

Patrick Henry would not leave them behind on this occasion. The words he is said to have spoken were such as few have ever uttered in the long, sad history of man. The art of shorthand was not perfected and Patrick Henry never set his speeches down on paper. He thought of them, and delivered them on the inspiration of the moment. No one took down the words, the pauses, the gestures, the silences and the facile changes of his mobile features. But witnesses were there who heard and who saw—and remembered. And what they remembered has come down to us as a fact in which there may be a fleck of fiction, a legend which has the texture of truth.

Patrick Henry was no longer the lawyer, the special pleader for some cause or client. He was no longer the Burgess from Hanover or the Virginian. He was an American.

[2]

The speaker was standing. He looked much older than his thirty-nine years. He stooped more than he used to. His face was pale, almost waxen. The lines were deep, the brow was furrowed, and under the heavy lashes only the eyes were keen and alive, glowing with some inner fire. He had an air of quiet confidence, in no way belied by the wig which was quite in order, or by the severe black clothes relieved only by the broad white scarf at the neck. He had been assured of support not only by some of the leaders inside the Convention, but also by some of them in other colonies as well. Silas Deane had just written from Weathersfield to say that Boston was ready; that twenty to thirty thousand men could be mustered on two days' notice; and he had added the slogan used by the speaker's own people in Hanover: "United we stand, divided we fall."

This was the truth Patrick Henry wanted to impress on the

men who were crowded into St. John's Church on this 23rd of March, 1775, as he began to speak—softly, as one who invites intimacy, a communion with those who listen.

"No man, Mr. President, thinks more highly than I do of the patriotism, as well as the abilities, of the very honorable gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining, as I do, opinions of a character very opposite to theirs, I should speak forth my sentiments freely, and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery. And in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason towards my country, and of an act of disloyalty towards the majesty of Heaven, which I revere above all earthly kings."

He paused, waiting for his words to sink in. The church was quiet as in a time of silent prayer. The crowds at the window ledges were motionless. He continued.

"Mr. President, it is natural to man to indulge in the illusions of Hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it."

All eyes were fixed on the tall, stooped figure, standing in the third pew. It was a calm, restrained figure, dispassionate as yet,

almost unmoved by the words with which he was seeking to move others. No one stirred, waiting for him to go on.

"I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past. And, judging by the past, I wish to know what there has been in the conduct of the British ministry, for the last ten years, to justify those hopes with which gentlemen have been pleased to solace themselves and the House. Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation, the last arguments to which kings resort."

Even those delegates who opposed Patrick Henry—Mr. Randolph, Mr. Nicholas, Mr. Pendleton, Mr. Bland—could not dispute what he said. With mounting interest and relaxing opposition they heard him as he pressed on in a louder voice and with increasingly animated gestures.

"I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging.

"And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty, and humble suppli-

cation? What terms shall we find which have not been already exhausted?

"Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned with contempt from the foot of the throne."

He was nearing the climax of his argument. Now his eyes were flashing. His pale face was flushed. His hands were no longer hanging listless at his sides. His body, still stooping, was alive and sinuous. His voice was rolling like thunder through the church. To many who were there he looked as St. Paul must have looked as he preached to the Athenians. Like Paul, he was struggling for the minds and the hearts of a people, to give them courage and to cleanse them of fear and of doubt.

"In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free; if we mean to preserve inviolate those inestimable privileges for which we have been so long contending; if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained,—we must fight! I repeat it, sir,—we must fight! An appeal to arms, and to the God of hosts, is all that is left us."

All that Patrick Henry had ever done or spoken before, all that he had believed in the years since the Parson's Cause, were summed up in his words "We must fight!" As he flung them at the Convention his eyes blazed with an unearthly fire, "the tendons of his neck stood out white and rigid like whipcords, and the walls of the building and all within them seemed to shake and

rock in its tremendous vibrations. Men leaned forward in their seats with their heads strained forward, their faces pale and their eyes glaring like the speaker's." In complete silence they heard him continue.

"They tell us, sir, that we are weak,—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of Hope, until our enemies shall have bound us hand and foot?

"Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us."

The passion of the speaker seemed to infect those who were listening, listening with heightened color and with rapt attention, as he prepared to launch his final thunderbolts, his face damp and his wig thrust to one side.

"Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone: it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery. Our chains are forged. Their clanking may be heard on the plains of Boston. The war is inevitable. And let it come! I repeat it, sir, let it come!"

At last he had uttered the fearsome word. There was no going back now. The deed was done—and the event was in the hands of God.

It remained only to close, with words that would ring through the aisles and vaults of St. John's Church, through the vast open

spaces of the Old Dominion and along the Atlantic Seaboard, through all of time.

"It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, but there is no peace. The war is actually begun. The next gale that sweeps from the north will bring to our ears the clash of resounding arms. Our brethren are already in the field. Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!"

He remained standing for a moment. The passion, the fire, the heat, were gone. He stood bowed and exhausted, in an attitude of utter dejection. His wrists were crossed as if bound by shackles. He was a galley slave, awaiting his doom.

But only for a moment. Then the stoop was straightened, the head was high, the face was radiant. It was unforgettable. He looked like the "magnificent incarnation of freedom."

He took his seat in the silence. There was no applause. And the resolutions were passed.

As the pent emotions of the close-packed people broke at last, Colonel Carrington, jumping down from a window ledge, cried out: "Let me be buried on this spot!"

[3]

The wisdom of Patrick Henry became apparent when the news reached America that the rumors of repeal were false. Neither Burke nor Chatham had availed to bring sanity to King or Parliament.

The English Tories would neither budge nor compromise. One of their most dogmatic spokesmen, Doctor Samuel Johnson, humorously exaggerated their antipathies toward the radicals of America when he told Boswell that "they are a race of convicts and ought to be thankful for anything we allow them short of

hanging." Reaction was in flood, and it could only be stemmed by force.

To build a force, to equip it and drill it for the day of trial, was now the task of the committee appointed by the Richmond Convention before it adjourned. Patrick Henry was chairman; Lee, Washington and Jefferson were members. The opposition—Harrison, Nicholas, Pendleton—now no longer opposed, was also on the committee.

The lines were forming. While companies were being organized in Virginia, the British were also busy. In Boston, where matters had gone from bad to worse and might explode altogether, General Gage had devised a scheme to defeat resistance at the source itself. All importation of powder or munitions having been strictly prohibited, he was perfecting a plan to deprive the people of the stores they had already accumulated. Gage was following to the letter the orders received by him and by all the governors of the colonies in October, 1774. It was a wise precaution to confiscate the arms of the patriots; and it would need quick and ruthless action. In two of the colonies it would need even more. For in Virginia, too, there were large stores of gunpowder waiting to be used—unless Governor Dunmore got them first. Deprived of arms, a single whiff of grapeshot would suffice to disperse the traitors of Massachusetts and Virginia.

To Gage and Dunmore all this was quite clear. So clear, indeed, that almost at the same moment they moved together to make it clear also to the rabble.

April 19, 1775. The little village of Lexington was still asleep when Paul Revere galloped into the town to warn the people of a British force that was marching from Boston toward Concord. Some of the Lexington patriots would be ready for them when they arrived—those who had sworn to be ready "on a moment's notice."

Hurriedly they dressed in their sheepskin clothing. In a few minutes they grabbed their heavy flintlocks, ran to the village

green and gathered in the light of their sputtering lanterns. Huddling against the chill night air, they waited; a few moved off to the Buckman Tavern for a spot of liquor to warm them. Paul Revere sped on to the home of the Reverend Jonas Clark, to raise the alarm for two men who were hiding there. If they were found, they would be tried as traitors, and the people of London would enjoy a public hanging. All this, Paul Revere quickly related, for there was no time for dawdling. He and others like him had been dispatched to rouse the countryside, and the little engraver of Boston had done his duty. Sam Adams and John Hancock escaped the British, as Revere rode off into the night again.

John Hancock's exploits had won him a discreet fame of which he was inordinately proud; but proudest of all was he of the friendship with which he had inspired the master rebel of Massachusetts. It was a curious friendship that bound these two together, the pauper of Boston and the wealthiest man in all the colony. It made little difference that John was a smuggler—who wasn't? And who would pay taxes to England if they could be avoided? It was a patriotic duty—as well as a profitable one—to evade any payment at all. If John succeeded beyond most others in this double-barreled venture, it was only because he had ampler means and greater resources than they. He had inherited a huge fortune from his uncle, Thomas, when the old man had been conveniently "seized with an apoplexy." Seventy thousand pounds was no mean sum for a man not yet thirty to acquire. It made him the richest man not only in Massachusetts, but in all of New England. In all America there was perhaps only one other who was richer than he, but no one possessed a finer mansion than his on Beacon Hill, no one boasted more elegant brocade dressing gowns or bejeweled buttons, and no one was more attractive than he either in his dress or his person. He was a tall, thin, nervous man who had a great ambition to be known and admired, not alone for his riches and his elegance, but for himself, for his works as a man and a patriot.

Yet John Hancock had little to offer besides his wealth. That he gave freely in the cause to which Sam Adams had attached him. He had a small capacity for large affairs and spoke endlessly in a manner to betray it. John Adams thought him "a leaky vessel." If he was one, then Sam Adams allowed him to leak more than words. He allowed him to use his money for revolutionary ends. John Hancock had become a great help to Samuel Adams in the struggle for liberty in America. And now he too was being hunted by Major Pitcairn, in the first faint dawn of a fine spring day.

Pitcairn had lost his quarry. But what of the men who were still gathered on the green; chilly in the half-light, as sorry-looking a lot of rebels as he ever saw. There they stood, with nothing to oppose him but their flintlocks and their impudence, seemingly unafraid of his Majesty's smartly accoutred soldiers, clean and spruce in their gaudy uniforms, briskly marching to the rhythm of fife and drum.

Major Pitcairn was impatient. This was sheer bravado; worse, it was downright presumption. The rebels held their places on the green as if rooted to the spot. Even the officer on his black charger, ordering them to move on, had no effect upon them. They acted as if they were deaf when he shouted, "Disperse, ye villains! Ye rebels, disperse!"

A burst of gunfire broke the tension. Who fired it? Was it the British, as the rebels maintained, or the rebels themselves, as the British insisted? In the early morning sunshine of April 19, 1775, many things were confused, though one thing was clear enough: a British soldier writhed in pain upon the ground, his bright new uniform streaked with blood. Major Pitcairn's horse was also bleeding, not from one wound but from many, for more shots followed the first one, and the cry had gone up, "Fire on 'em, by God!" Now everybody was firing, men falling; the noise of musketry, the smell of powder, filled the clear, cool air. Major Pitcairn, fat and sweaty, was beside himself, yelling and pleading, trying vainly to stop the slaughter.

It finally did stop, and Pitcairn and his men re-formed their disordered ranks. As they moved off on the double quick, the women came running from their homes, still clad in their white nightdresses and sleeping caps, to help the wounded and to mourn the dead.

At some distance away, in a field beyond the village itself, two men heard the firing and the tumult: John Hancock was too distressed to talk, but Sam Adams was not at all distressed. He was so excited that his palsy made him shake and tremble more than ever. In a burst of exaltation he cried out, "Oh what a glorious morning is this!"

[4]

The sun rose higher as Major Pitcairn and Colonel Smith marched into Concord. It was only a matter of a few moments for the small detachment to fire the arsenal, spike two guns, destroy some flour and dump the cannon balls into the river. It was all quite simple, with little trouble or fanfare. The trouble was not there, but at the North Bridge, where the further march of the regulars was being challenged by a horde of rebels who were waiting, uncertain what to do. They were holding their fire, on strict orders from their leaders. Now, the orders were changed. Now the command was given to "Fire, for God's sake, fire!" From front to rear, the cry was spread: "Fire, Fire!"

And here, as at Lexington, blood was spilled once more, though here it was British blood that was spilled the most.

As Colonel Smith quickly re-formed his lines, he called for his fifes and drums, and gave the command to march. As the red-coats swung onto the road that led to Lexington, the minutemen started in swift pursuit. Safe behind walls and fences, and from windows of locked houses, they picked off the enemy. By the time Colonel Smith reached Lexington, six miles away, it looked as if the British were doomed. They would have been doomed if Earl Percy had not come from Charlestown with help.

Nearly three hundred of them had been either killed or wounded, and the rebels had also suffered severe losses. A raid had been transformed into a war. The Revolution had begun.

[5]

Had the counsels of Patrick Henry been heeded, it might have been in the Old Dominion, not in far-off Massachusetts, where the first guns of the Revolution would have been heard. But the conservative leaders, the Blands and the Harrisons and the Riddicks, still hoped that there would be no firing. If not for them, the man of Hanover might already have had his well-trained militia, and a new government of Virginia as well.

The truth was that there was no government in Virginia. There too it had been "dissolved." All the courts were closed and the House of Burgesses was all but nonexistent. It rarely met, and few were present when it did meet. Companies of armed men marched and countermarched everywhere, while those who were still loyal to the Crown were careful to be discreetly and inaudibly so. Lord Dunmore, the Governor, was still playing the master at the palace in Williamsburg, though of what he was master remained curtained from prying eyes. Today, the 20th of April, 1775, they would find out.

Dunmore, timing his own maneuvers with those of Gage, was moving to accomplish in Williamsburg what had already been so well done at Concord. He was ready to strike at the Powder Horn, a brick building where the colony's gunpowder was stored. It was the property of Virginia, though Dunmore acted as if it was his—or Britain's—own property.

In the dead of night, when none could spread the alarm, Governor Dunmore dispatched a company of Marines under Captain Henry Collins from the armed schooner *Magdalen*, then anchored at Burwell's Ferry on the James River, to remove the powder. Fifteen half-barrels of it were loaded into Dunmore's wagon and safely transported to the *Magdalen*.

The news of the raid became known the next day to the people of Williamsburg. And then the trouble started. Before it got out of hand, the Council, some believing and some not believing, assured the crowds who had already armed, that the powder was taken only to curb a threatened uprising of the slaves. They also agreed that the powder would be returned. The people believed them, especially when their own leaders, Peyton Randolph and Robert Nicholas, gave added assurance that the whole matter would be settled to their entire satisfaction. Everybody seemed agreeable.

Patrick Henry, not in Williamsburg but in Hanover, was not agreeable. He knew the Council—most of them were Dunmore's own men. He also knew Randolph and Nicholas. They were aristocrats who were also patriots. They preferred peace with equivocation to violence with resolution. And Dunmore was quite capable of doing what he had threatened to do if Collins, his captain, or Foy, his secretary, were molested—even insulted. In such an event he was ready to "declare freedom to the slaves and lay the town in ashes." He had made some preparations: John Connolly, his agent, had arranged for the Shawanese Indians to butcher the rebels if they should attempt a serious revolt—already the countryside was aflame with lurid tales of trouble. By April 27, fourteen companies of light horsemen had gathered at Fredericksburg, waiting to learn whether Washington would come from Mount Vernon to lead them.

But nothing had happened, until the news of Lexington and Concord arrived. And Patrick Henry, getting ready to leave for the second Congress in Philadelphia, decided to stay. At once he summoned his volunteer company to meet him at New Castle.

Just as Sam Adams had exulted over the clash at Lexington, so Patrick Henry believed that the theft of the gunpowder by Dunmore was a "fortunate circumstance." Something like this was needed to stir the people of Virginia to action—just as the people of Massachusetts had been stirred by Gage's descent on Concord. The time for equivocation was over, the illusion of peace was

shattered. The patriots of Hanover would understand at last. "You may in vain mention to them the duties on tea and so on," he said. "These things, they will say, do not affect them. But tell them of the robbery of the magazine, and that the next step will be to disarm them, and they will then be ready to fly to arms to defend themselves."

They were ready. On May 2 they met in the sleepy little town of New Castle, and without opposition they elected Patrick Henry as their captain. It was the first time the man from Hanover had held any military command and he may have had visions of a glorious campaign on the field of battle. Would there be another Lexington down here, in the South, where the ball of revolution had first started to roll? Perhaps the next few days would tell.

But first the powder must be paid for. Captain Henry would brook no delay. Sending Ensign Parke Goodall with a company of sixteen men to Laneville, his orders were explicit. They were to demand from the Receiver General, Richard Corbin, three hundred and thirty pounds, the value of the purloined powder. He himself would lead the rest of his men to Williamsburg, to enforce an accounting from Dunmore.

Sixteen miles from the capital they camped for the night at Doncastle's Ordinary. There they waited for Ensign Goodall's report, expected soon. With them also waited the five thousand recruits who had joined his own small company on the march to Williamsburg. Captain Henry felt that the issue was no longer in doubt.

Yet a doubt persisted. No report came from Laneville. Corbin, the Receiver General, had run away, moved by either fear or caution, when the small contingent under Ensign Goodall had approached. Instead, he had sent a message, delivered by his son-in-law, Carter Braxton, promising that the money would be paid. Captain Henry was perhaps surprised—certainly he was pleased—when the money *was* actually paid the following day.

But all this, while pleasant enough, still did not account for the high-handed actions of Dunmore. Captain Henry had not given up the idea of marching on Williamsburg, if his friends there needed his help. He may have been disappointed when they promptly advised him that no help was needed. What was he to do with the thousands who were ready to follow him? He decided that it was perhaps better to do nothing since they had their powder and there seemed no further occasion to use it. He dismissed his men.

One task was finished, but others remained. One, in particular, he must attend to quickly. He must leave for the Congress at Philadelphia, a journey delayed by the lawlessness of Dunmore, a lawlessness now corrected. But how corrected? Whatever Patrick Henry thought of his expedition, whatever his men thought of it, Governor Dunmore believed the whole proceeding criminal. And its instigator an outlaw! He told the people of Virginia so, in his proclamation of May 6, 1775. He warned them against "a certain Patrick Henry and his deluded followers." It was an empty gesture of authority *after* it had capitulated, as futile as the plea it contained "with the advice of his Majesty's Council and in his Majesty's name . . . not to aid, abet, or give countenance to the said Patrick Henry." There were few loyalists left in Virginia, fewer indeed than in any of the other colonies. And those few would not dare to heed the Governor's warning. They might agree with him that the man was "of desperate circumstances." But it was safer not to cross such a man—or those who followed him.

His followers left no doubt about it. Hanover County formally approved what he had done, while Louisa County thanked him publicly. Orange and Spotsylvania Counties sent him messages of commendation, and Prince William County, Loudon and Lancaster, Frederick and Fincastle, all of them hastened to assure him that "the people will never fail to approve and support him to the utmost of their powers in every action derived from so

rich a source as the love of his country. We heartily thank him for stepping forth to convince the tools of despotism that free-born men are not to be intimidated, by any form of danger, to submit to the arbitrary acts of their rulers."

The tools of despotism? The people of Virginia included in this category not only the Governor and his officials. The Council itself was one of these tools, for had they not declared their "detestation and abhorrence for that licentious and ungovernable spirit that had gone forth and misled the people of the country"? In vain the House of Burgesses had been hastily recalled to consider some new advances by Lord North. A few of them did answer the call. But even as they met in the almost deserted halls of the capitol, their presence as lawmakers was being refuted by the people themselves, who invaded the arsenal at night in a search for arms. They did not get the arms, for traps had been laid, spring guns released and many were painfully injured. It had only served to further enflame the recalcitrant citizens, who threatened to vent their wrath on Dunmore himself. It was the better part of valor for the Governor to flee to the protection of a warship in the York, as members of the House, now thoroughly aroused, got out their rifles, put on their hunting shirts, and made ready to fight as freemen. As an institution of the colony, the House of Burgesses was all but finished. It would meet a few times more; it would expire at last, and with it the last vestige of British power in America.

The Burgesses, like the people, had come to see the quality of Patrick Henry. And the Richmond Convention, which had replaced them, saw it too. To the Convention, as in duty bound, he sent a long letter, addressed to Francis Lightfoot Lee, giving the details of his conduct in the powder episode. He could not tell them in person, since it was high time he had left for the long ride to Philadelphia, where the Continental Congress had already resumed its sessions.

As he mounted his horse on May 11, a large company of armed

men appeared at Scotchtown to escort him as far as Mrs. Hool's ferry on the Potomac, beyond the borders of Virginia. After the lady herself had entertained them with food and drink, they saluted him with two salvos and many cheers, before they turned back.

On May 18, he arrived to take his seat in the Second Continental Congress of America.

Philadelphia had changed in some respects since its festive farewell to the first Congress. There was an air of unaccustomed activity about the Quaker town on the Delaware. Near the Schuylkill, companies of green-clad infantrymen were camped, and companies of militia were also to be seen, in their brown uniforms and small round hats on which bucktails flapped in the breeze that blew from the bay. More impressive than all this were their cartouche-boxes on whose sides was emblazoned the one word "Liberty."

The Congress was also changed. Benjamin Franklin was now a delegate from Pennsylvania, while Georgia, unrepresented before, now had Lyman Hall as its spokesman. New York, not as Tory as it used to be, had sent George Clinton, and Massachusetts had a new face too, the beaming and eager one of John Hancock. In a short while Virginia would have in its delegation the austere and humorless features of Thomas Jefferson. One other change was at once apparent. The Congress was meeting in the new State House, a more fitting edifice for the founders of a new republic.

When Patrick Henry entered to take his place among the seventy-eight delegates of the Congress, neither he nor they knew anything about a new republic. They only knew about the slow dissolution of an old empire, a dissolution hastened by the events at Lexington and Concord. They had not yet heard of the capture of Ticonderoga by Ethan Allen and Benedict Arnold. When the news came, there were few who now doubted that war would come. Patrick Henry had said that it was in-

evitable—and after Lexington, after Ticonderoga, the members were of a mind to believe him. On May 26, they decided to prepare for war, some with rejoicing and many with deep sorrow.

[6]

Now a leader must be chosen.

Patrick Henry may have lost none of the old vision of a great military career. Perhaps the hope still lingered that just as he was now chosen on one committee to fortify New York and on another to equip the country with arms and ammunition, he would also be chosen to lead the country against King George, as once he had led a county against Governor Dunmore. His civil fame was secure. But what luster would be added by a still greater fame—the military repulse of Britain.

If the delegate from Hanover had these thoughts, he was not the only one. John Adams nourished the hope of grandeur in uniform, as he confided to his wife. And John Hancock, possessing great wealth, believed he also possessed great qualities as a man of war. He had no doubt that *he* was the man to lead the armies of America.

One man amongst them was the inevitable choice. He knew more about warfare than most of the others, surely more than the man who had just come to Philadelphia from a bloodless battle with the redoubtable Dunmore. It was a long time since Washington had fought in the French and Indian Wars, but he *had* fought, and he had fought well. Even the Virginia House of Burgesses had said so. And here he was, already dressed out in the uniform of the Virginia militia, the only martial figure among them.

George Washington, believing that war was imminent, had come prepared. He did not know that he would be chosen by the Congress as the supreme leader in the field. He did not even know that such a leader was needed. But he was a fighter—and he had the means to fight with. Had he not offered to raise a

thousand men to defend Boston—at his own expense? He was a rich man, a very rich man indeed; and he was a dependable man also, plain-spoken as a leader of plain men should be. Congress had no money; it was even doubtful whether it had the power to raise any money for military purposes. Perhaps Washington could do it.

It was not displeasing to Patrick Henry when, on June 15, his friend George Washington was unanimously elected as Commander-in-Chief “of the forces raised, or to be raised, in defense of American liberty.” He knew the man as well as anybody, and better than most. He considered him cool, able, honest, one who spoke little yet possessed a fine mind and a great courage. Like himself he was a man of action.

Washington accepted the call to action. He was fearful only that he might not measure up to the greatness of the event. There were tears in his eyes as he confided to Henry that “this day will be the commencement of the decline of my reputation.” There was a pleading in his eyes as he entrusted to him a list of questions for the Congress, questions as to ways and means, to be pressed and resolved, as he left to begin his duties.

What his duties were, how they would be carried out, would depend on the answer of Congress to those questions. Their importance became apparent just one week after his appointment. For on the 22nd of June, the news of Bunker Hill reached Philadelphia. While the delegates had only prepared to fight, there was actual fighting in far-off Boston.

The story of the battle was shocking, and only too plain a proof that the war which some still insisted was impossible had already begun.

[7]

Patrick Henry was stunned by the slaughter at Bunker Hill. What had happened was worse than he had imagined when he had warned his countrymen that “we must fight.”

He only said, "A breach on our affections was needed to arouse the country to action." He believed that now it would be aroused as he was himself aroused, active as he was himself active.

There was much to keep him active in the Congress. He was on all the important committees, none more exacting than the one which was concerned with the Indian tribes. It was no secret that the King's agent, Guy Johnson, was working to win them over to the royal side. King George himself had instructed Johnson to stop at nothing to induce the Indians to "take up the hatchet against the Colonists." No time could be lost in defeating the maneuver, and in getting the one man who might be able to do it. The Reverend Samuel Kirkland, an Indian missionary, might win over the friendship of the Six Nations—at least, he might be able to neutralize them.

During the hot and humid days of July, Patrick Henry, with others, worked to achieve these ends. With Benjamin Franklin and James Wilson, he was elected a Commissioner "to treat with the Indians . . . in the name and on behalf of the United Colonies." On July 31, with the session nearly over, he was chosen to represent Virginia on the committee to inventory the available "lead and leaden ore, and the best methods of collecting, smelting, and refining it." Bullets, not words, were the sole concern of the man from Hanover. On his own responsibility he arranged for the purchase of powder. Action was the watchword.

Action was apparently also the watchword of the third Richmond Convention, now in session, toward which Patrick Henry hastened after the close of the Congress. Not all of the members of Congress were equally convinced of it. Some, even after Bunker Hill, still hoped it could be avoided. Thomas Jefferson hoped so, at any rate. He had taken his seat in the Congress just a day before the news of the battle had arrived. He was of Patrick Henry's mind on many things, but he was no fighter; action for him was less than thought, and reason more than passion. His manifesto on the need for rebellion, revised by the less patient John Dickinson, expressed his hope that action might

not be necessary. "We mean not to dissolve that union," he said, "which has so long and so happily subsisted between us and which we sincerely wish to see restored." And he added: "Necessity has not yet driven us into that desperate measure." A little later he would still maintain that "there is not in the British Empire a man who more cordially loves a union with Great Britain than I do." But then he also added some stronger words to these. "But by the God that made me, I will cease to exist before I yield to a connection on such terms as the British Parliament proposes, and in this I think I speak the sentiment of America."

It was the sentiment of many people in America, but not of all the people—in America, or in Virginia either. Hundreds of the merchants and planters of the Old Dominion were shaking the dust of the new world from their feet. They were leaving for England, bag and baggage, forever finished with the vagaries of the masses. They were among the ablest of the "better classes"—and they took with them not alone the accumulated wealth of years, but also a good deal of the mental and spiritual strength that had made Virginia a great and growing province. They were loyalists, and it was better that they leave; the times were dangerous enough without them.

Most of the planters and yeomen had a stake in the country and a stake in the liberties of freemen; they would not go. And the great mass of the people, the large reservoir of the poor who labored from day to day, with little stake in the country, but with a love of freedom fired to a fighting pitch by the one man who could do it—these would not go either. They had nowhere to go. This was their land, their home, their hope. For them the Revolution was a promise, not only of political liberty but also of economic and social opportunity. The loyalists were still Englishmen. The others, rich and poor alike, were Americans.

At the Convention in Richmond they began to fashion weapons. They laid taxes and levies to raise and equip an army large enough, strong enough, for the tasks looming before them. They

were the lawmakers of Virginia—no others existed, legal or otherwise, to do what had to be done. Dunmore was a fugitive at Yorktown, safely sheltered behind the guns of the *Fowey*. Soon he would declare martial law, demanding loyalty from the rebels under threat of branding them as traitors. More. All traitors would be pauperized, their property seized and confiscated. The Convention wasted no time in preparing for the inevitable storm.

With no money of its own, it voted an issue of three hundred and fifty thousand pounds in treasury notes. What treasury? The question was answered by guaranteeing payment through the taxes and levies—by pledging the property of the colony itself. If there was to be an army, there must be money to equip and maintain it. The need for action was matched by the Convention's optimism. Only one thing more remained to make both the optimism and the action effective. A leader.

Who was the man to raise the army, to equip it, to mold it into a fighting force for the great colony of Virginia?

He was still riding homeward from Philadelphia when the delegates at Richmond were putting his name in nomination as Commander-in-Chief of the Virginia forces still to be raised, and as Colonel of the First Regiment already in being. He had been elected, despite murmurs, some of them not too muted, about his capacity as a soldier. There were objections that he knew nothing about warfare. He lacked the tough fiber without which no man could fight on the field, no man could make others fight. He had shown this lack in the powder episode, where he had acted as the friend and neighbor of his men and not as their leader. He fraternized too easily, made them feel—as he felt—that they were all equals, no man better than another, no man worse than another.

It is the weakness of great men that in times of greatness they are still men. The small ambitions, the petty hopes, the paltry fears, the lures of place and preferment, the human traits persist.

The leaders of the Richmond Convention were great men. Edmund Pendleton was a man of power and influence. Roger

Atkinson had said of him in 1774 that he was "very stern and steady in his country's cause and at the same time such a fool that I verily believe it w'd puzzle even a King to buy him off." Nevertheless, he had undoubted ability—and he was indisputably a patriot. But he was also a gentleman. He still hoped that the old order would survive, the old days return, when the "better classes" would lead again and the democratic ferment placated—or settled at its proper level, beneath the surface not above it, unseen, unheard. Pendleton wanted liberty and believed in freedom. He also wanted decorum, and order, and a certain regard for quality. Whatever other qualities Patrick Henry possessed—Pendleton did not deny them—he lacked the decorum, the order, the quality of a "gentleman." He spoke with brutal candor, in a language that won the hearts and allegiance of the masses. They were the people who followed him, even worshiped him. And they were already presuming too much, in Virginia and elsewhere. As a conservative, Edmund Pendleton was not pleased with them—or with their leader, Patrick Henry, whom they trusted above all others.

The spokesman of those who were not pleased had spoken in vain. The supporters of Patrick Henry had their way. If he had any ambitions for military glory, it seemed as if now they might be realized.

But would they? Would he, Patrick Henry, the Commander-in-Chief of the Virginia forces, make his mark as his friend George Washington was destined to make his as Commander-in-Chief of the American forces? Did he have the sense of urgency; more important, the sense of discipline, that the fox hunter and squire of Mount Vernon possessed—and the temper to enforce it by any methods, even the most drastic, the most ruthless?

Edmund Pendleton and his friends were patriots, and they wanted to assure the success of their arms. They doubted that Patrick Henry could achieve that success. But they had other reasons, too, for fearing his leadership in this, as in other things. Military grandeur, added to his other laurels, would make him an

even more formidable opponent than he was already. In the game of politics few scruples were observed and this game, fought in the Old Dominion since 1765, was between the same factions—the few of wealth and position, and the many of little goods and less power. It was still the struggle between the East and the West, the Tidewater gentry against the backwoods and upland yeomen. Whatever the reasons advanced against Patrick Henry as commander of the Virginia forces, the conservatives deplored most of all his championship of the common people.

[8]

The affairs of the Colony of Virginia were in a state of transition. There was still a legal government that did not function and not yet an illegal one that did. The Convention was meeting and passing laws as if it had the power to do so, but its laws were of doubtful validity and its power of enforcement was equally tenuous.

The Convention itself could not enforce its own laws. No large body could do it. It would take a small, unified and alert group. The Convention would have to elect it, endow it with full power and entrust it with the destinies of Revolution. It would be called the Committee of Safety.

When Patrick Henry, despite opposition, was chosen as Commander-in-Chief, his commission contained a seemingly harmless provision which stipulated that he was to be guided by "all orders and instructions" given by "the Convention or Committee of Safety." Fair enough, proper enough, as a check on absolute power.

In a democracy all commanders are subject to the orders of the people—the state—the source of their power. Yet here was more than a check or curb on the high office of Commander-in-Chief. Here, in the Committee of Safety, lay the means for diluting, even for canceling, the distinction just granted the Hanover radical. The people would have their leader—but how would he lead,

shorn of power, reduced in stature, weakened by the "orders and instructions" of still other leaders? Pendleton, the chairman of the Committee of Safety, knew the answer before it was given.

It would take a little time before the others would know it. There was no need for hurry, since the Commander-in-Chief was still at Scotchtown, spending a brief time with his family between one job done and another waiting to be done. He had seen so little of them in recent years; now it appeared that he would see even less of them for a long time to come. He was like a nomad.

There were many reasons why he stayed a full month at home. Sarah was still ailing. He had to stay and comfort the woman who had been such a faithful wife, the mother of three strong sons and three blooming daughters. Sarah's strength was fast ebbing away, yet there was nothing he could do to help her. Doctors knew only too little.

The children were thriving. Martha, the eldest, was already married to Colonel John Fontaine, and she was doing what Sarah could not do. She was mothering the others. It was a fine and loyal family that the father had raised. He had been one of them, a friend more than a father, a teacher more than a disciplinarian. His own father had been so too, and it was a good, wholesome companionship that had existed between them. As he had been raised so he had raised his own children, believing it was best for them to be hardened physically and matured slowly. He had not allowed them to wear shoes before they were six or seven, and he had discouraged close reading before they were thirteen or fourteen. In play or study he was their equal and partner, and the boys—John, William and Edward—loved him and honored him; the girls—Martha, Anne and Elizabeth—adored him and looked to him for guidance to the day of their marriage. When they married they still sought his advice and he wrote them long and lovely letters, full of a homely wisdom and a tender affection.

"You have just entered into that state which is replete with happiness or misery," he wrote them. "The issue depends upon

that prudent, amiable, uniform conduct which wisdom and virtue so strongly recommend on the one hand, or on that imprudence which a want or reflection or passion may prompt on the other.

"The first maxim which you should impress on your mind is never to attempt to control your husband, by opposition, by displeasure, or any other work of anger. A man of sense, of prudence, of warm feelings, cannot, and will not, bear an opposition of any kind which is attended with an angry look or expression. The current of his affections is suddenly stopped; his attachment is weakened; he begins to feel a mortification the most pungent. . . ."

She must cultivate her mind, and books must be read for instruction as well as amusement. Novels are poor mental fodder. And the heart, too, must be cultivated.

"Unite liberality with a just frugality; always reserve something for the hand of charity; and never let your door be closed to the voice of suffering humanity. . . ."

It was the end of September when Patrick Henry left Scotchtown for Williamsburg. When he arrived the *Gazette* took notice of the fact that the "Commander-in-Chief of the Virginia forces was met and escorted to town by the whole body of volunteers, who paid him every mark of respect and distinction in their power."

He was their man. They proved it by flocking in ever greater numbers to his camp west of the college. By mid-October there were nine companies of regulars in training, though they had few arms and no uniforms. But on their hunting shirts, in large white letters, was emblazoned the unforgettable words of their leader—"Liberty or Death."

One of the recruits was a young man who had just quit his studies of Blackstone to enter the army of the new Commander. His shirt, better than most, also bore the magic words—Liberty or Death. His name was John Marshall. He was the youngest of the fifteen children of Thomas Marshall, the good friend of George Washington and already a major in the field. These two,

the father and the son, would make their marks as soldiers before the Revolution was over. Only Patrick Henry would make no mark as a soldier.

Already, he was losing valuable time while Dunmore was ravaging the countryside about Norfolk. Henry's men, drilled and ready for action, were becoming restive, and he had not yet been allowed to take the field, though the urgency was apparent. How apparent was clear from the report that Dunmore himself was sending to Sir William Howe. "We have taken and destroyed above fourscore pieces of ordnance, and, by landing in different parts of the country, we keep them in continual hot water." More boastfully he added, "Here we are, with only a small part of a regiment contending against the extensive Colony of Virginia."

The Colony of Virginia? Who was the Colony of Virginia? In the matter of arms, at least, Patrick Henry was the Colony of Virginia. But he was doing nothing—and he was not even informed of the "thousand chosen" rebels who were fighting Dunmore—fighting, alas, with discouragingly poor results. They were "chosen"—but by whom? They were not under his command. He was the Commander-in-Chief, but his subordinate, Colonel William Woodford, was leading this force. Colonel Woodford never bothered to ask for his advice or give him any reports. If there was any advice to be received, any report to be made, Colonel Woodford would look to the Committee and its chairman, Edmund Pendleton.

Was Patrick Henry aggrieved by this obvious insult? There was Woodford's fine victory at Great Bridge to smooth the ruffled waters of his pride. Certainly, the Committee of Safety saw no cause for complaint. What if the Commander-in-Chief was being kept in Williamsburg, drilling his men for a fight that was taking place elsewhere? What did his rank and office signify if now, when he could use them, when he was impatient to use them for the purpose they had been bestowed, he was permitted to do nothing?

If any doubt still lingered in the mind of Patrick Henry as to what this curious procedure meant, that doubt was soon resolved when Colonel Robert Howe arrived at camp with several hundred troops from North Carolina. Colonel Howe, asking no instructions, taking no orders, ignoring the Commander-in-Chief completely, assumed full command of all forces—those of Virginia as well as those of North Carolina. If he needed any instructions, he would get them from the Convention at Richmond or from the Committee of Safety.

The final, unequivocal answer to Patrick Henry and his men came on December 28, when six battalions, to be raised in Virginia and put on Continental pay, were merged with the First and Second Regiments already with Patrick Henry. He was still the colonel of these units as well as the commander of all regiments. Yet the commission for these new forces was given to another. There was no mistaking the fact that the Commander-in-Chief commanded nothing.

The man who had left an ailing, perhaps a dying, wife, to take on new duties for his country—duties he had not sought and of which he had not even known until after they had been decided on by the Convention—was deeply humiliated. Was he incompetent in the field? Did his drilling of the men show too great a concern for their welfare, too great a zeal for their rights as men? Was it because he had insisted on those rights, even to the extent of allowing dissenters to have their own religious services with their own clergymen to lead them? Was it, perhaps, as Washington believed, that he lacked experience with fire and sword that his place was the forum and not the field of battle?

Patrick Henry was not bitter; he was humiliated. The times were confused with many clashes more important than his. No one man was important; no one grievance should cloud the issue. Patrick Henry resigned his command.

When the troops learned of his resignation they "went into mourning, and, under arms, waited on him at his lodgings." Before he went back to Scotchtown, they wanted to tell him of the

trust and the love they had for this man. "Notwithstanding your withdrawing yourself from service fills us with the most poignant sorrow, as it at once deprives us of our father and general, yet, as gentlemen, we are compelled to applaud your spirited resentment to the most glaring indignity." It was a touching tribute from the common soldier in the ranks, as touchingly replied to by him who was no longer a soldier. "I leave the service, but I leave my heart with you. May God bless you, and give you success and safety, and make you the glorious instrument of saving our country."

These men were not yet through. They had volunteered for dangerous work, under depressing conditions, with inadequate weapons, at inadequate pay—if they were paid at all. They had volunteered because they loved liberty, but equally because they loved the man who was their leader. Now he was no longer their leader. They resented the indignity put upon him, and they were showing signs of disaffection without him. They wanted to quit the army. Even the officers—ninety of them, were outraged at the new turn of events. Widespread disruption seemed imminent.

It was Patrick Henry who went among them, men and officers alike. He pleaded and reasoned with them, persuaded them to stay, to fight, to vindicate the honor that was theirs no less than his, Virginia's no less than all America's.

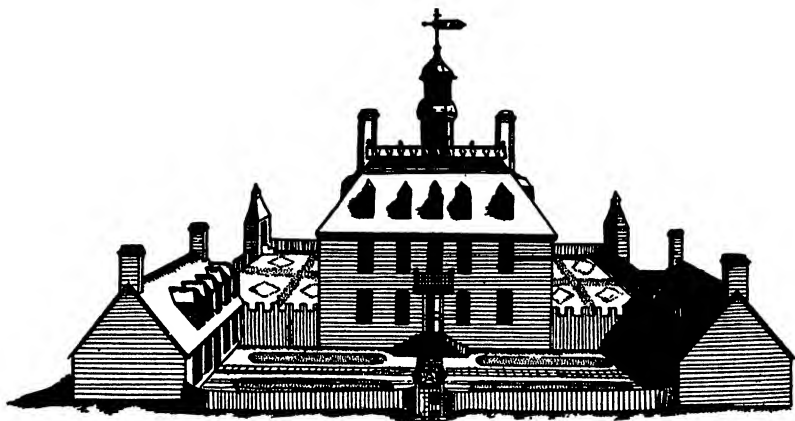
In March, 1776, he returned to Scotchtown, his dreams of military greatness dispelled. A crisis was looming. Men, materials, guns, above all spirit, would be needed—the heart and the soul of a people. The hopes of men would fall, and rise again, only to fall in despair and heartbreak, as the now hopeless, now hopeful soldiers of the Revolution fought on many fields and against many enemies.

For their struggles would be not only against Britain—but against Americans as well. More than forty percent of the population of America hoped for the defeat of the Revolution. Many of the people, many of the leaders themselves, would lose heart as George the Third sent his soldiers, his mercenaries, his guns, in ever-increasing numbers to hammer at the weak Ameri-

can ranks. Washington, building an army, would face insurmountable difficulties.

Patrick Henry, back in Scotchtown, was neither doubtful nor afraid. For a moment he nursed his wounded pride. Sarah was dead; he mourned her and comforted his motherless children. Then he returned to the fight he had begun.

PART IV



The Building of a Republic

[I]

THE opening weeks of 1776 were cold and bitter ones for Patrick Henry and for patriots everywhere. Washington, trying desperately to mold an army out of undisciplined and inadequately equipped men, was filled with foreboding. All his efforts to obtain equipment were futile. Congress, momentarily stirred to action, would send a committee to see for itself what he was always complaining about, yet the conditions of squalor and penury remained.

Washington was troubled in his mind about another thing too. His prophecy to Patrick Henry on his appointment as Commander-in-Chief—"This day will be the commencement of the

Illustration above: The Governor's Palace in Williamsburg. From an engraving of about 1740.

decline of my reputation"—seemed woefully accurate. Soldiers were deserting. They were leaving as it suited them, whenever their short-term enlistments happened to expire. They wanted to see their wives; they were fretful of their fields and the ploughing that must be done; they were cold and hungry and lonesome—and they yearned to take up once more the old, accustomed rounds of a normal life.

The Commander-in-Chief may have envied his friend back in Scotchtown who had been released from all the worry and hardship of an army in the making. He had never known failure before—the Braddock episode was not his failure—and the thought of it tortured him. "I know the integrity of my own heart," he wrote; "I know the unhappy predicament I stand in. I know that much is expected of me. I know that without men, without arms, without ammunition, without anything fit for the accommodation of a soldier, little is to be done. . . . I know that I cannot stand justified to the world. . . ."

The sentiment for peace was widespread. Conciliation was still the hope of many in the colonies—and in the Congress, too. Congress had only recently informed the Colonial Agent in Europe that "There is nothing more ardently desired by North America than a lasting union with Great Britain." In New York, proposals had been made for the appointment of a President "by the Crown," as one means of hastening the end of hostilities. John Adams, passing through the city on his way to Philadelphia, noted that New York was swaying now one way, now another. The Sons of Liberty were active as ever, as Lieutenant Governor Colden was complaining. He saw them as "a set of violent spirits of the lowest rank and desperate fortunes, countenanced by a few of superior condition." But the men "of superior condition"—men like John Jay and Philip Livingston, Lewis Morris and Peter Schuyler—were not yet ready for the last and irrevocable step. Lord Dartmouth, at least, believed so, for he hastened to reassure Colden that "they would not be likely either to advise or support rash and violent measures."

Yet the measures already taken had been both rash and violent. New York was slowly making up its mind. John Lamb, the prosperous wine merchant turned agitator, had seized the customs house, and had led a raid on the arsenal, where hundreds of muskets had been captured. Voluntary companies had been organized, while committees of all kinds had been appointed to protect the citizens from British reprisals. There were Committees of Fifty-one, of One Hundred, of Sixty, who were busy preparing the people for war. Yet many people still hoped that war would not come.

And most of their leaders, the men "of superior condition," still prayed that it could be avoided.

[2]

It was not only the war that men were uncertain of. The question of its purposes troubled them even more. War for what? If a compromise was possible on the question of taxation; if the problem of autonomy could be resolved; if the business and economy of America could be insured; if pride and prejudice were mollified, then there was no reason for war. The spilling of blood, the uprooting of men from their homes, their farms, their livings—these things were not lightly to be done for the chimera of independence.

It is the weakness of revolutions that they waiver in their purposes as in their means. The tide of revolution ebbs or flows as men are fortified by its direction or dispirited by its confusion. What had begun as a protest against British Toryism and had flared into a sanguinary revolt against British imperialism still had no ultimate plan or direction. Patrick Henry had indeed indicated a goal, and in Virginia he had outlined a plan. But Virginia was one of the few colonies where the spirit of revolution encompassed more than a mere negation. It included also an affirmation, weakened though it was by the large planters who were ready to deny the power of Britain without asserting their

independence from the Crown. Such independence might leave them at the mercy of their own people, the hordes beyond the Tidewater, beyond the frontiers of other colonies. For the pioneers independence could mean freedom not only from Britain but from the masters of Virginia. It could even mean democracy. Not only political, but social questions, too, might arise; answers to those questions might undermine a class system that had made the Tidewater aristocracy so powerful.

The King of England was not too dull-witted to grasp the implications of revolution. He had expressed his resolve plainly enough to Lord North months before, on August 18, 1775. "I am unalterably determined," he had said, "at every hazard and at the risk of every consequence, to compel the Colonies to absolute submission. It would be better totally to abandon them than to admit a single shadow of their doctrines." Did he, more clearly than Congress, understand the direction of the war? It appeared to be so from his address to Parliament on October 26. "The rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent Empire."

Almost alone of all the leaders, Patrick Henry understood this purpose. As far back as 1764, in the Parson's Cause, he had said in open court that the King had forfeited the obedience of his subjects, that he was a tyrant to whom the people owed no allegiance. That was treason, a word and a sentiment few were prepared to echo. By his resolutions on the Stamp Act he had made his intentions even clearer. And scarcely a year before he had cried out for the whole conscience of America that the issue was simple and inevitable. It was Liberty or Death! "Let us not, I beseech you, sir, deceive ourselves longer . . . We must fight! I repeat it, sir, we must fight . . . The war is inevitable. And let it come! I repeat, sir, let it come!"

If it was war—then war for what? For "Our Declaration of Independence," he had told Sam Overton and a few others. And then he had been silenced. In a time that was pressing,

when it was needed, his voice was not heard. In Williamsburg it had been muffled by a spurious honor, in Scotchtown by a momentary exile. Yet a voice was needed, now as never before. It would have to be a voice understood by the people, without whom no voice, no matter how clear and eloquent, would be of any avail.

One such voice had been heard already, the passionate and poetic one of Philip Freneau. He had pleaded with his countrymen to overthrow the yoke of Britain and assert their freedom.

Americans, revenge your country's wrongs;
To you the honor of the deed belongs.

And still another voice made itself heard, loud and unmistakable in the heart of America. As Patrick Henry spoke so this man wrote. He was no poet like Freneau, but an eloquent orator in prose. If Patrick Henry was the voice of revolution, this man was its pamphleteer.

Tom Paine was only a poor writer, whose shabby clothes and thin, pale face gave no hint of the man's spirit. Few people had noticed him since he had come to Philadelphia. When his pamphlet *Common Sense* rolled from the press in January, 1776, and the ball of revolution rolled with it faster than ever before, he was noticed by many more.

In all the encampments, in all the high places and the low in America, it was read and discussed. It was argued and debated with the heat and the fire of its own explosive properties. As Patrick Henry had spoken, so was *Common Sense* written, in plain language to be understood by the people.

"Everything that is right or natural pleads for separation," Paine wrote. "The blood of the slain, the weeping voice of nature cries 'Tis Time To Part.'" It was absurd for three million people to run to the seacoast every time a ship arrived from London "to know what portion of liberty they should enjoy." Absurd indeed. "In England a King hath little more to do than make war and give away places; which, in plain terms, is to impoverish the

nation and set it together by the ears. A pretty business, indeed, for a man to be allowed eight hundred thousand sterling a year for, and be worshipped into the bargain. Of more worth is one honest man to society, and in the light of God, than all the crowned ruffians that ever lived."

Caesar had his Brutus, Charles his Cromwell—and George the Third . . .

Tom Paine went on, "Oh! ye that love mankind! Ye that dare oppose, not only the tyranny, but the tyrant, stand forth! The birthday of a new world is at hand."

Men were moved to stand forth. As Patrick Henry's voice had moved them to fight, Tom Paine's pamphlet renewed their courage and quickened their spirits with a new hope. They would fight! Not for the right to tax themselves. Not for a better economy. Not for conciliation and a shackled freedom or union and a limping liberty. They would fight for Independence! Now they understood what it meant: a new way of life for free men in a free country.

George Washington, reading the paper in one of his more somber moods, was pleased. "Sound doctrine," he said, "and unanswerable reasons."

[3]

Patrick Henry, at his home in Scotchtown, was not sure that the time was ripe for independence. He had told Overton that the help of France, perhaps of Spain also, would be needed to carry the Revolution through to victory. He knew as well as Washington how weak the colonies were in the munitions of war. He knew how divided in their councils were the leaders in each colony as well as in the Congress.

Patrick Henry was not overcautious. He was only using his own common sense and his own long experience to see things straight and to see them whole. He had given too much to this cause to have it endangered. But by March, 1776, there was a

new air of confidence in the colonies that was as heartening as the imminence of spring and the warmth of the sun. For the news was good, better than it had been for a long time.

Washington was more cheerful. His camp was growing. Men and munitions were increasing. A fine caravan of forty-two sledges with fifty-five fieldpieces had arrived with Henry Knox from Ticonderoga. The capture of the British supply ship *Nancy* had added some two thousand muskets and thirty thousand shot, besides a full hundred thousand flints, to the meager store at Cambridge. To top it all the Commander-in-Chief had decided to move on Boston. He would give the men some action, perhaps even a victory, to bolster their uncertain morale.

Washington had moved. His guns roared their preliminary salvos from Roxbury and Dorchester Heights, from Charlestown and Lechmere's Point. General Howe, thinking perhaps of Bunker Hill, had turned tail. He made no resistance at all. On the Sabbath morning of March 17, he had sailed away to Halifax, in Nova Scotia, giving Washington's inferior forces a much-needed victory.

All this had been accomplished without any foreign aid, yet Patrick Henry still believed it was necessary. One battle did not make a war, nor one advance a victory. In Virginia, Dunmore was still ravaging the countryside around Norfolk with the help of some of the colonists. The Revolution was still a civil war. Congress talked and appointed committees. Virginia, it appeared, must again point the way. A convention must be called so the people themselves could consider and decide the pressing problems of the foreign and the civil wars—and, most important of all, this still unresolved question of independence.

When the people of Hanover elected the master of Scotchtown and his half-brother John Syme as delegates to the new convention, Patrick Henry accepted at once, leaving the children in the capable hands of Martha. This matter of complete independence had to be settled immediately.

The other colonies were already debating the question. North

Carolina, on April 13, had empowered its delegates to the Congress to vote for separation from Great Britain. On April 23 Charlotte County, in Virginia, had gone even further. It had asked the delegates "immediately to cast off the British yoke." At the same time Patrick Henry had received a long and moving letter from Richard Henry Lee, a delegate in Congress, urging a *new* government for Virginia and for America. Lee had also pressed for "peremptory instructions to your delegates to take every effectual step to secure America from the despotic aims of the British Court by Treaties of Alliance with foreign States."

This was precisely what Patrick Henry wanted to do. It was why he had accepted office again within a few weeks after his humiliation at Williamsburg. Neither pride nor bitterness could have kept him at home. He was the leader to whom all eyes turned. It was not strange that Philip Mazzei, Jefferson's neighbor, should express the sentiments that filled the hearts of Virginians. "Most noble patriot," he wrote Patrick, "I love, admire and revere you, as one of the most virtuous and noble spirited men of the ages." No man could resist the confidence and affection of a people. The hurt he had suffered, the bruises he had received, were forgotten. Never to be forgotten were the people themselves, the Revolution they had made, the goal they must win.

When Patrick Henry took his seat in the Convention at Williamsburg on May 6, 1776, he knew that Virginia must set the goal for all America; he knew, too, from a secret agent of Vergennes, the French Minister, that France would help the colonies.

[4]

There were some new faces among the one hundred and twenty-eight men who had come from all the counties to this fifth session of the Convention. They were young men, younger than most of the others who were no strangers to Williamsburg. James Madison, only twenty-five years old, was the delegate from

Orange County. He was a small and delicate man, with a scholar's refinement of speech and manner. He had a fine, incisive mind, a ready though controlled tongue, and a quick wit. He was fascinated by the eloquence of Patrick Henry.

Another newcomer was Edmund Randolph, younger even than Madison. He represented Williamsburg itself, replacing the veteran George Wythe, who was in Philadelphia. Randolph was a natural aristocrat as well as one by birth, of exquisite features and bearing, tall and distinguished—and very proud. His learning, his keen intellect, had led him into the path of the Revolution even when his father, John Randolph, had refused to take that path. John, the Attorney General of the colony, had gone back to England. Peyton Randolph, brother of Edmund, was dead.

Pendleton was back again; so was Richard Bland, very old and nearly blind. Archibald Cary and Carter Nicholas had returned. These were the leaders of many others in that Convention who were not yet convinced that a divorce from England was necessary. Opposing them were James Madison and Edmund Randolph, Paul Carrington and George Mason, who would follow the lead of Patrick Henry.

Patrick Henry did not look like a leader in that assemblage, where a certain atmosphere of elegance prevailed. Some delegates were decked out in velvet and powdered wigs, others in fine homespun and neat peruques. He wore his old buckskin short clothes, his yarn stockings and his seedy wig without powder. He had prepared his resolutions; he needed no fine clothes.

There would be a fight. Pendleton, though opposed, was again in the chair, placed there in a spirit of harmony. Patrick Henry wanted harmony in this crucial moment, when unity was desirable above all things. His personal feelings, his raw memories, would not stand in the way of unity. He would not protest the election of Pendleton, even though his friend, Thomas Johnson, did protest, and advanced the name of Thomas Ludwell Lee. Lee was not elected, despite the fact that he was seconded by Washington's brother-in-law, Bartholomew Dandridge. Patrick

Henry understood the need for politics in a time of crisis. The opposition was pacified. The resolutions, redrawn by Pendleton and introduced by Thomas Nelson, were debated in committee, changed in committee, and finally, with Pendleton's help, settled in committee.^a

On May 15 they were passed by the delegates. The opposition had fallen away before the wisdom of Patrick Henry and the words which he spoke on the floor. There is no record of his speech, but we do know that "He inflamed and was followed by the Convention. . . . His eloquence unlocked the secret springs of the human heart, robbed danger of all its terror, and broke the keystone in the arch of royal power." By unanimous vote, the Convention

"Resolved" that the delegates to the General Congress propose that it declare "the United Colonies free and independent States"; that it make alliances with other countries, and provide for "confederation of the Colonies." And it further

"Resolved" that the Convention itself "prepare a Declaration of Rights" as well as a plan of government for Virginia.

The Old Dominion had spoken. It was the first to speak, to *order* its delegates to speak, in Philadelphia and in Williamsburg. There was no more question of discretion by the people's representatives. They were ordered to comply with the people's mandate, clear and unequivocal, to do what could no longer be delayed, or denied, or defeated. Now, at last, the people would know what they were fighting for.

And the people knew and approved. In Williamsburg the soldiers quartered in barracks joined in celebration. There was a picnic in Waller's grove, a parade, a festive time for the people,

^a That these resolutions also contained the hesitant doubts of Patrick Henry is evident in his letter to John Adams after their passage, in which he again urged a confederation with France before the declaration by the Congress. How justified Patrick Henry was in fearing the outcome of Independence without French aid became fully apparent before Yorktown—without that aid the Revolution might well have been lost.

and the soldiers—and the delegates too. The resolutions were read to all of them, toasts were drunk, each one “accompanied” by a discharge of artillery and small arms. The British flag was hauled down from the capitol and the “Union flag of the American States” was hoisted in its place. General Nelson sped to Philadelphia with the engrossed resolutions where Richard Henry Lee moved their adoption before the Continental Congress. And then the Convention settled down once more to resume its labors.

There was still some unfinished business. Committees often met at seven in the morning so the delegates could consider their proposals at nine. After eight hours of discussion they would adjourn, to meet again in the evening for more debates, more speeches, more consideration of the problems that pressed for solution.

One of them was the question of the government of Virginia itself. A bill of rights and a form of government had to be drawn, and there was little precedent to guide the delegates. There were only some “Thoughts on Government,” recently written and published by John Adams, to instruct them—to instruct Patrick Henry more than the others, for his opinions were considered of paramount importance.

The problems that confronted the Committee chosen to draw the “Bill” and the “Form” were made doubly difficult by the views of the contending groups who composed it. The conservatives, with Pendleton, Bland and Nicholas as their spokesmen, wanted the structure of colonial law and society retained. They feared the ascendance of the radicals and the political submersion of the eastern gentry and the Tidewater planters. They would not readily yield power to the back country that was stirring with newfangled ideas of equality. The conservatives had always opposed any change in the basis of the suffrage, a basis that was firmly fixed in inequality. The most populous counties had the smallest representation, while the slaveholding economy thrived on a minority in the Old Dominion. Its leaders would stand fast

to keep it so. The liberals, aided by George Mason and James Madison, and led by Patrick Henry, were resolved to cut loose entirely from the old forms.

The conservatives proposed a lower house with members elected for three years, an upper house serving for life, and a governor whose tenure should also be for life. The governor was to have full appointive power over all judges and officers of the State.

John Adams had a better sense of the needs of the new commonwealth. The house, elected by the people, would serve for only one year; the senate, also elected, though by the house, was likewise to serve one year. These two would choose a governor for one year also—and the legislature alone would select the judges.

The difference between the two plans was obvious. The danger implicit in that difference was equally plain. Patrick Henry was not slow to see it or to write about it to Richard Henry Lee. "Vigor, animation, and all the powers of mind and body must now be summoned and collected together in one grand effort. Moderation, falsely so called, hath nearly brought on us final ruin. And to see those who have so fatally advised us still guiding, or at least sharing, our public counsels, alarms me."

In his fears for the outcome of this new struggle for representative government, he also sent word to John Adams. "Our Convention," he said, "is now employed in the great work of forming a Constitution. My most esteemed republican form has many and powerful enemies. . . . Our session will be very long, during which I cannot call upon one coadjutor of talents equal to the task. Would to God you and your Sam Adams were here!"

No "coadjutor of talents equal to the task"? What of Madison? What of Mason, who even then had a plan of his own, a plan that was far better for democratic principles than the one adapted from Adams? Patrick Henry did not know this, for Mason had

taken his seat only the day before. He knew well enough that George Mason was a man of culture and integrity. He was a friend of his, as of Washington, a wealthy man who had given his allegiance and his help to the cause of revolution. Descended from the Cavaliers of England, he even had the appearance of one, tall, with burning black eyes, and a certain haughtiness of manner that was often subdued by recurrent attacks of illness. He was at home much of the time, on his great estate, nursing his gout, yet nursing also his love of liberty and his expansive plans for a new America.

Madison's was no mean talent either. But he was a new man, not yet tried in the hurly-burly of debate. He listened with increasing wonder to the man who was no novice in debate. Had Patrick Henry known of Mason's plan, of Madison's powers, he would not have despaired of the final outcome of the fight for a democratic government in Virginia. In any event, the answer which he received from John Adams on June 3, gave him new confidence. "The subject," Adams wrote, "is of infinite moment, and perhaps more than adequate to the abilities of any man in America. I know of none so competent to the task as the author of the first Virginia resolutions against the Stamp Act, who will have the glory with posterity of beginning and concluding this great revolution. Happy Virginia, whose Constitution is to be framed by so masterly a builder!"

When George Mason presented his own plan, Patrick Henry was content to see that it was a good one. It was not a constitution for the new government, but only a preamble to a constitution. It was a beautiful, magical instrument, lacking only two things to make it perfect. Patrick Henry proposed their insertion. One provided for "an adherence and frequent recurrence to fundamental principles." The other, of profoundest significance and the greatest importance in the history of the continent, guaranteed full religious freedom to the people of Virginia. As an example, it was a hopeful augury for the people of an emergent

United States of America. In the provision for religious freedom a change suggested by James Madison was adopted. His objection to the use of the word "toleration" in connection with religious liberty was upheld.

The man who had won his first fame in the Parson's Cause was satisfied. He had found some "coadjutors of talents equal to the task."

[5]

Mason had done well with his plan. The Bill of Rights, based on earlier documents and embodying the best libertarian thought of the century, was the noblest expression of the yearnings and hopes of free men in the new world. Upon its firm foundation would be built the first constitution in America, the constitution of the new State of Virginia. The basic instrument of the United States itself would be flavored with its incontestable virtues.

More. It would furnish the impetus to another Bill of Rights. It would be called by another name—and a committee of Congress was already working on the draft. On June 7, Richard Henry Lee, following the instructions of the Virginia Convention, had introduced his own resolution for a Declaration of Independence. The Congress had considered the question premature. And the Committee to whom it had been referred was ordered to report back on July 1.

In the meanwhile, the Convention at Williamsburg was wrestling with the important and urgent problems of a new form of government. It had a preamble to a constitution, but now a constitution was necessary to give effect to the noble sentiments expressed in the Bill of Rights.

The Bill of Rights was not a body of law. It was the flesh and bones out of which the law must be fashioned. It would be a long while before the task was completed. It would, perhaps, never be quite completed. But a beginning had been made.

The first section of the Bill of Rights made it plain that by nature all men had an equal right to freedom, to the enjoyment of life, liberty and independence. Other sections declared that all power was vested in and was derived from the people themselves; that only by majority rule could government be maintained. Trial by jury, the freedom of the press, the subordination of the military to the civil authority, the separation of the legislative from the executive and judicial branches of the government, the extension of the suffrage—all were guaranteed. The last of all was Patrick Henry's proposal on religious freedom.

Patrick Henry had approached the problem several times before. The Parson's Cause had touched it obliquely, if forcefully enough. As Commander-in-Chief in Virginia he had granted the soldiers of all denominations equal rights to their own services and their own religious leaders. It was no small thing in a colony where the Established Church of England was the only one recognized by law. The span of years since Jamestown and the *Mayflower* had hardly weakened the pressures on religious tolerance. Roger Williams, the first to seek it in the new world, had indeed laid the foundation for religious liberty in America, yet there were restrictions everywhere. In the article proposed by Patrick Henry, and adopted by the Convention, the principle was finally established that there should be no restrictions on religious freedom.

After much debate and more compromise, the Constitution of Virginia was passed unanimously, though the promise and the glory of the preamble was dimmed by the finished product.^a It had little of the flesh, bones and marrow of the Bill of Rights.

^a Abernethy says that Henry was satisfied with the Constitution, standing with the conservatives in a tacit alliance in order to be elected the first Governor of Virginia. But Henry's compromise in this, as in his final acceptance of the U. S. Constitution, showed a statesman's perception of political reality. The roster of those who opposed him as governor must be the final answer to the question of any "deal" between him and the conservatives.

It was the result of the groping, searching efforts of the men who made it. But it was one of the first constitutions in America, and a model for many that would follow.

The delegates to the Convention had one duty more before their government was completed. They must elect a governor. The temper of the contending forces at Williamsburg was most clearly shown in this final act of the political drama. Who was to be the first Chief Executive of the people of Virginia?

Patrick Henry was nominated. So was Thomas Nelson. Nelson had been president of the Old Council, and he was a high-ranking aristocrat who, despite his love of liberty, could be depended upon to respect the rights of the conservatives. They wanted him for safety—for the double safety of keeping Patrick Henry out of the seat of power. Patrick Henry was not their man.

The vote was taken. Forty-five of the delegates voted for Thomas Nelson. One vote was cast for John Page. And Patrick Henry received sixty votes. It was almost the same division that had always existed in the struggle between the conservative interests of the colony and the amorphous masses who were seeking to wrest power from them.

When he was notified of his election Patrick Henry accepted his people's gift with a true humility.

"I lament," he said, "my want of talents; I feel my mind filled with anxiety and uneasiness, to find myself too unequal to the duties of that important office to which I am called by the favor of my fellow citizens at this truly critical juncture. The errors of my conduct shall be atoned for, so far as I am able, by unwearied endeavors to secure the freedom and happiness of our common country."

He was already wearied by his work in the Convention. The long strain on a far-from-robust body had begun to take its toll. He was ill. He stayed on in Williamsburg until he was sworn in

a few days later; then he left for home, submitting at last to the fever that was slowly undermining his health.^a

[6]

July 1, 1776. The committee of Congress had completed its report on the resolution of Lee. A Declaration of Independence had also been prepared by Thomas Jefferson and corrected by Benjamin Franklin and John Adams. On July 2 the debate was closed and a vote taken. The resolution was passed—the independence of the colonies was a fact, so far as a resolution could achieve it. There remained only to vote on the Declaration itself.

One matter of importance had been omitted from the final draft. It had been thought better to say nothing about slavery, since the slave trade was still a source of profit to northern ship-owners and to southern planters. All men (except Negroes) were created free and equal, with certain inalienable rights, among which were life, liberty and the pursuit of happiness.

By July 4 the paper was complete; the carping and the criticism subsided. The extreme heat, the swarms of flies from a nearby stable which left itching welts on the silk-stockinged legs of delegates, and the feeling that further dalliance was fruitless, put an end to the debate. The vote was taken, and it was unanimous, though one colony—New York—abstained from voting.

When the Declaration was formally proclaimed in Philadelphia on July 8, the crowd that had gathered to hear it “rendered the welkin” with their cheers, while the night was turned into day with fireworks that consumed powder so greatly needed for other purposes. In all the newly free and independent States,

^a From this time on Patrick Henry suffered from recurrent fevers, which were prevalent in the Tidewater region. They sapped his strength; until his death he was a frequent victim. Doubtless the cures of the time, and the doctors of the day, contributed to, rather than cured, his illness. Dr. Theodorick Bland, an eminent physician of Virginia, for example, treated most cases (including epilepsy) by bleeding and purging. “Purging the belly” and “breathing the veins” were the usual remedies.

in many remote towns and hamlets, people celebrated the news of independence with fervor and abandon. It was the spirit expressed in the favorite toast of all lovers of liberty: "May the freedom and independence of America endure until the sun grows dim with age and this earth returns to chaos." Even the State of New York, silent before, now gave its blessing.

In Williamsburg, the rejoicing of the people, begun with the enactment of the Bill of Rights, continued with the completion of the Declaration. The sentiment of many people of Virginia was expressed by Colonel Innis, a friend of Washington's: "May God damn the King of England!" he exclaimed.

The people of New York, who had slowly reached agreement with the patriots and the Sons of Liberty, prepared the tip of Manhattan for defense and fortified the heights of Brooklyn. Washington had come on to New York, determined to hold it against the forces which Howe was organizing at Halifax. Governor's Island, at the entrance to the harbor, was under Putnam's command. The threats of Sir William Howe and his brother, Admiral Richard Howe, were the straws that had broken the back of New York's indecision.

While the Howe brothers were collecting their forces from Halifax, from the West Indies, from Gibraltar and from the British Isles—with thousands of seasoned troops from Germany—Washington was wondering whether he could defend New York at all. His men, for the most part, were raw, his artillery bad, his cavalry even worse. Many had no arms at all. The crops were good, and men were deserting in droves to harvest them. When the British finally attacked in Brooklyn, the Americans were badly outnumbered.

The battle of Long Island ended in the defeat of the American forces, and might have ended in the defeat of the American Revolution if Howe had pressed his advantages. But Howe rarely pressed an advantage. He hesitated, even as Washington was writing to Congress that he contemplated abandoning New York altogether. "Every measure," he was telling them, "is to be formed

with some apprehension that all our troops will not do their duty. . . . A retreating army is encircled with difficulties; declining an engagement subjects a general to reproach, and may throw discouragement over the minds of many; but, when the fate of America may be at stake on the issue, we should protract the war, if possible." The Congress refused to sanction withdrawal.

And while uncertainty and hesitation hung like a pall over the patriot forces in New York, Clinton and Cornwallis landed their men in the city itself. The rebels were all but routed. Only the quick thinking of Putnam and his young aide, Aaron Burr, prevented the capture of the army. An orderly retreat to Harlem saved what could be saved, while New York, at an absurdly small cost, was captured by the enemy.

Captured also in quick succession were Harlem, Fort Washington and White Plains. Greene evacuated Fort Lee; Washington moved over to Jersey. The New York Congress, running from one town to another, was at Phillipse Manor, at Poughkeepsie, at Fishkill, at Kingston. The Continental Congress was running off to Baltimore. Washington, more despairing than ever, was sending it one of his heartbreaking pleas: "If every nerve is not strained to recruit the new army, with all possible expedition, I think the game is pretty nearly up."

[7]

Patrick Henry was in the throes of an exhausting fever. For nearly a month after he had been sworn in as Governor of Virginia he lay in a stupor, but on August 2 the *Gazette* announced the happy news of his recovery: "It is hoped that [he] will soon be able to return to the seat of government, to attend to the duties of his high and important office."

His convalescence was hastened by the outpouring of love and good wishes with which the people of the Old Dominion showered him. His own old regiments were the first to send him their assurances of esteem and affection. "You have uni-

formly pursued the general good of your country," they said, "and you have taught the world that an ingenuous love of the rights of mankind, an inflexible resolution, and a steady perseverance, lead directly to preferment and give the best title to the honors of our uncorrupted and vigorous state. . . . Our hearts are willing, our arms are ready, to maintain your authority as chief magistrate. . . ." All the men and officers but one were ready to sustain him. Colonel Woodford, who had supplanted him in the regiment, and who was the partisan of the Pendleton faction, refused to join in the message of loyalty.

The Baptists, not forgetting his concern for the freedom of religion, sent him a touching tribute on his recovery, while General Charles Lee, second in command after Washington, and Washington himself, were happy at his assumption of the duties of his new office.

Hardly recovered from his illness, Patrick Henry found his new duties too wearing for his weakened condition. Only a few weeks of labor as the Governor of Virginia were enough to bring on a relapse. His physicians advised another rest until "he should recover his strength."

And while he was away from Williamsburg, a new leader appeared in the Virginia Assembly. It was the sandy-haired aesthete who had penned the Declaration of Independence. Having finished his business in Philadelphia, he was back again in Williamsburg to take his seat as a member of the State Legislature.

Thomas Jefferson was a student and a scholar. For him, liberty was not some generalized ideal but a set of specific reforms that would translate the ideal into the real, the practical, the living structure of government. The laws of entail and primogeniture were the fossils of a defunct autocracy. Caste and hereditary power, the means of perpetuating privilege, should be abolished. Jefferson succeeded in abolishing them when he returned to Virginia, and with them the basis of an old and fragile aristocracy. For he wanted more than a republic. He wanted a democracy, to raise the material, as well as the spiritual, level of life for all

men. He attacked the Established Church, and sought to cut it off entirely as a limb of the State. He wanted 'the substance as well as the form of independence.*

Jefferson, clever in a worldly sense, learned in a bookish sense, did not always understand those who had neither of these traits. His enemies, who were among his own people—the aristocrats of Virginia—he could understand. His friends, who were among the seeking, searching, simple democrats of his state, he often did not understand at all.

It was, perhaps, a questionable good fortune which had elevated the master of the spoken word to a position where the power of speech was of little importance. In the Assembly, in the Convention, in the Congress, Henry was at home. In moments of crisis, his words, his gestures, even his pauses shook men from their apathy and stirred them to action. Few men possessed this gift in the degree that he possessed it, none in the natural—and often artful—methods of its use. Jefferson had this same gift of verbal persuasion, but with the written word. He did not, perhaps, have the qualities for inspired leadership which the Governor had shown, and little of his robust feeling for fellowship. Yet he could also dominate men and powerfully affect their beliefs. Equally, in their different ways, they had advanced the cause of revolution, and equally, in the days to come, they would labor for the achievement of its purpose. Now, Jefferson was busy in the Assembly—and Patrick Henry, his friend, had finally recovered sufficiently to carry on his duties as Governor of Virginia.

When Washington sent Patrick Henry his good wishes for his recovery, he also gave him the bad news of the retreats through Jersey. At the same time he voiced his fears about the defenses of Virginia and "the enemy's ships and tenders, which may go up

* Jefferson's ideas of democracy, however, did not include the poor man who had no property. Nor did he believe in entrusting government to any but the educated classes. The extension of democratic thought would have to wait for Andrew Jackson for whom "quality" had a meaning far different from that of Jefferson. Patrick Henry's speech in the First Continental Congress divulged a more advanced position.

your rivers in quest of provisions, or for the purpose of destroying your towns." There was a real and pressing danger as the British were driving south. It was December, the army was desperate, and none more so than Washington himself.

The Governor of Virginia understood the danger. The British were on one side—they were already in the Delaware valley—the Indians on the other. Congress was in flight to Baltimore. Panic had struck "all orders of the people" and "the contagion seized the nerves of some members. . . ." The whole cause of revolution hung in the balance. Congress had decided to grant its Commander-in-Chief extraordinary powers, powers almost dictatorial in nature. He could "order and direct all things relative to the deportment and the operations of war." Men were confused, leaders were suspect, and a crisis seemed imminent. Lord Cornwallis, confident that the war was over, had packed his bags, sent them on shipboard and was ready to return to England. It was a time to try men's souls—as Thomas Paine, in a flaming new manifesto, quickly pointed out.

Patrick Henry needed no further goad. Even before Washington's letter had reached him, he had spoken with a young and adventurous man called George Rogers Clark. Clark had made himself a reputation as a fighter in Kentucky. What he wanted now was some powder for his men who were watching the British north of the Ohio, and keeping a steady vigilance on the Indians who were being incited against the settlements.

Almost a year earlier the British Cabinet had laid the plans for a simultaneous attack by the western tribes on the colonies through the rear while the British forces engaged the southern seaboard. As a British squadron maneuvered before Charleston at the opening of the year 1776, the Indians had begun their descent on the western frontier, from Georgia to Virginia. Led by the Cherokees, with whom Patrick Henry, as a member of the Committee on Indian Affairs of the Continental Congress, had arranged a treaty in 1774, the savages were prepared this time with firearms not only to help in the destruction of the rebel cause but

also to win back the western lands which they had once released. The invasion of Georgia had been frustrated when the Indians learned of the repulse of the British in Charleston Harbor. And their attack on western North Carolina had been put down with heavy losses to the braves. Still they continued to maraud the isolated settlements, burning and massacring defenseless men and women, as the Virginia Council was informed by General Charles Lee and by John Rutledge, President of South Carolina's General Assembly. Treaties, made and broken, were no protection against the redmen. The Cherokees had already made them—and torn them up. The Six Nations, as far back as 1768, had ceded to Britain a vast territory—far greater than the present state of Kentucky—on the south side of the Ohio River, all the way to the Cherokee (or Tennessee) River. In 1775 the Cherokees had claimed this land again as their hunting ground; the following year they sold the whole domain for a few thousand dollars to a group of land speculators led by Richard Henderson, of North Carolina.

One of the men accused, though most discreetly, of being interested in the venture of Henderson and Company, was the Governor of Virginia, Patrick Henry. That he was not interested became clear enough when he made his full deposition. Only "the people of Virginia had a right to the back country, derived from their Charter and the Blood and Treasure they expended on that account." The Henderson claims were never recognized, though the company was reimbursed for its expense in obtaining the lands and in helping to settle them. It was true that it had done a great deal to make Kentucky a safer place for the white man.

But it was still far from safe. For its protection it needed men who could fight, and the means to fight with. George Rogers Clark, who knew Kentucky as few others did, had the men and arms—and now, as Patrick Henry lay ill at home, the two men discussed the question of powder. Patrick Henry was immensely interested in the project which Clark laid before him. It involved

not alone the safety of men, women and children, but also the acquisition and orderly exploitation of tremendous tracts which it was his business as Governor to conserve for the Old Dominion. He knew something about this territory since he had traveled parts of it already. And it is possible that, with his own land hunger and speculative propensities, he envisaged a future share in the rich Trans-Allegheny. He agreed to get the powder for Clark, and in the future would do a great deal more to encourage him in his efforts to win even vaster lands in the West. One sector of America was safeguarded, and the first important step was taken to wrest the western lands from British control. To safeguard other sectors in Virginia, Patrick Henry ordered new levies for Williamsburg, and charged the Navy Board to build dockyards, depots for naval stores, and ships. And with unexampled speed and vigor, he contrived to obtain additional troops for the Commander-in-Chief, who was desperate for his help.

[8]

Patrick Henry was perhaps overzealous in some of his official acts. If so, it was because the times were critical and the need for action was pressing.

Yet in December, 1776, some of the leaders in Virginia believed, or professed to believe, that Patrick Henry, the man of the people and the glib exponent of liberty and natural rights was plotting to usurp absolute power. Landon Carter, one of the Virginia aristocrats, complained to Washington that the Governor was taking advantage of his popularity and prestige to entrench himself with troops badly needed by the Commander-in-Chief. Fear, he suggested, was Patrick Henry's motive—fear for his personal safety in an impending British attack. Nor was that all. There was a rumor that the friends of the Governor in the Assembly were conspiring to make him the dictator of Virginia. The whole story of the Governor's plot was made known later by Thomas Jefferson in his *Notes on Virginia*.

Writing long after the event to which he was no witness, he said, "Our circumstances being much distressed, it was proposed in the House of Delegates to create a dictator, invested with every power, legislative, executive, and judiciary, civil and military, of life and death, over our persons and over our properties. . . ." It was a conspiracy before which Jefferson stood "confounded and dismayed." It was "treason against man in general, as riveting forever the chains which bow down their necks, by giving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government, in times of pressing danger, to shield them from harm. . . ."

Who could have been intended as dictator? Jefferson did not say. But his friend Louis Hue Girardin revealed his name. "That Mr. Henry was the person in view for the dictatorship is well ascertained," Girardin said.

Dictators are the creatures of fear. They thrive on chaos. In December, 1776, both fear and chaos reigned throughout the new United States. Panic gripped Virginia. If a faction in the House of Delegates wanted Patrick Henry to be dictator, they gave no inkling of their purpose to the man himself. Nor had he, by any proof then known or adduced through the years, ever sought dictatorial powers. His enemies, still smarting under the defeat of their own candidate for governor, were seeing phantoms—or pretending to see them.

Doubtless there were some who believed that extraordinary powers should be granted to the Governor of the most populous state. The House had already empowered him to make requisitions to repel the enemy, to raise new battalions for the Continental Army as well as for "the assistance of any of our Sister States." He had indeed received "additional powers," somewhat comparable to those given to Washington.

Patrick Henry became the subject of dark whispers and black thoughts as a result of them. Archibald Cary, the sulphurous adherent of Pendleton's party, was even ready for an assassina-

tion. "I am told," he said to Colonel John Syme, "that your brother wishes to be a dictator. Tell him for me, that the day of his appointment shall be the day of his death; for he shall feel my dagger in his heart before the sunset of that day."

That day never came. For Patrick Henry was plotting, not for himself, but for the successful prosecution of the war. "From morning 'til night I have not a minute from business," he said. "I wish it may all do, for there are a thousand things to mend, to begin." He was calling on all the States to form volunteer companies "to put a speedy end to the cruel ravages of a haughty and inveterate enemy." He was appealing to all men to stand forth in "the critical situation of American affairs."

They did stand forth—the patriots of Virginia and the discouraged men with Washington on the frozen and snowbound shores of the Delaware. Washington, considering the critical situation with his officers, had decided that it was a time for action, even for action that might fail.

It was the night of Christmas, a sad and cheerless yuletide for the men, ill clad and badly nourished, who were freezing on the shores of the Delaware. On the other side of the river, at Trenton, the fourteen hundred Hessians under Colonel Rall were celebrating the birth of Christ with strong liquor and hot food. They would very likely be in a state of stupor before the night was over. And they might be beaten. . . .

Washington had thought it worth trying. He gambled and won. The Hessians were routed, dazed by the sudden onslaught of bayonets and guns.

The wonderful news spread quickly. Congress returned to Philadelphia. Lord Cornwallis was annoyed by the unfortunate turn of events that had spoiled his departure. He left, but not for England. He hurried to Brunswick to take over the command of the regiments there, as Washington, "the old fox," moved to Princeton. Cornwallis did not know about the quick change of position, but he learned it soon enough, when the Commander-in-Chief rode up on his great white charger, rallied his men, and

turned what had seemed like certain defeat into a rout of the redcoats. Washington called it "a grand fox-chase." It was the last of any real fighting for many months to come.

In Virginia, Patrick Henry was preparing to help him. It was no easier for him than for Washington to raise troops. There were troubles about enlisting recruits, obstacles to equipping them. The volunteer system was unsatisfactory. It was not until Henry recommended a law to draft the necessary quotas that the regiments were filled. To ensure direct and accurate news of the needs of Washington and the conduct of the war, he appointed a personal agent who would be an aide-de-camp of the Commander-in-Chief. The issue, when it should be tried again, would find Virginia and her Governor ready.

His term was nearly over. The General Assembly was to elect a man to succeed him. When his name was placed in nomination, no voice, no vote—not one—was raised against Patrick Henry. Without a ballot, by joint resolution, he was chosen for a second term as Governor of Virginia. It was June, 1777.

The Sessions were nearly over. Williamsburg would soon lapse again into its accustomed somnolence in the hot summer sun. Patrick Henry would stay there, for it was now his home. Scotch-town had been sold, and the children were with him in the "palace."

Yet he needed other company. Sarah had been a good wife to Patrick, but now she was dead. He needed a partner in whom he could confide, one who would lend dignity to the household of a Governor.

There was one lady who could do this—but would she be willing? He had known her for many years, ever since that Christmas celebration at the home of Nathaniel West Dandridge, her father and his friend. Little Dorothea was only a child of four then. Now she was a blooming young woman of twenty-one. Her pedigree, moreover, was impressive: she was the granddaughter of Alexander Spotswood, once a royal governor of Virginia; the daughter of a Dandridge, a name known and re-

spected in the Old Dominion; a cousin of Martha Washington. This new suitor of hers was neither well nor elegant; he was old enough to be her father—and he looked old, with his long pale face, deeply lined, his decided stoop, his recurrent fevers; he had not the glamour of some of her other beaux, notably the dashing and mysterious sea-captain called John Paul Jones. But, undeniably, Patrick Henry was a man of charm, a simple, kindly man who, without benefit of blood or wealth, had won the admiration and the hearts of his people.

Dolly considered his offer. Patrick Henry, some time later, wrote to his brother-in-law, William Christian, that he expected soon to be married.

PART V



Freedom Comes High

[I]

THE drama of the American Revolution was in many scenes, played by many actors. It was a unique and epic struggle that shifted from one city to another, from one state to another and, in its reverberations, even from one nation to another. The prologue was spoken in Virginia. The curtain went up at Lexington and Bunker Hill. At Philadelphia the theme was divulged.

The loyalists were everywhere. They had to be watched and curbed; if necessary they had to be dealt with harshly, their persons confined and their properties confiscated. Some were not loyalists, but patriots of a peculiar stripe. They were the kind found in every revolution. Their hearts were surely on the left,

Illustration above: The north front of the capitol at Williamsburg as it appears on an engraving of about 1740.

where they should be. Their pockets remained on the right, where it was more convenient.

While Patrick Henry was undertaking to solve some of these problems in Virginia, and attempting to explain some of his failures to solve them in letters to Washington and Richard Henry Lee, the Congress was having a distressing time with them also. The cost of living everywhere had reached fantastic heights. Food and clothing were scarce; only paper money was plentiful. The cost of military equipment, because of profiteering, was scandalous.

And Congress was helpless. It was helpless even though the four New England states, meeting in Providence, urged it to use a firm hand to defeat the profiteers. All that Congress could do was to appoint another committee to consider regulations. But how could Congress regulate anything at all for a country which was made up of thirteen sovereign and independent countries? It was useless to try. Yet "it must be done," Samuel Chase declared. And he added: "The mines of Peru would not support a war at the present high price of the necessities of life." To which Dr. John Witherspoon replied: "Remember, laws are not almighty," while Dr. Benjamin Rush, with depressing candor rejoined, "The continent labours under a universal malady. From the crown of her head to the sole of her feet she is full of disorders. She requires the most powerful tonic medicines."

America had too few friends to help her with the burden of Revolution. There were too few men to fight, too few leaders to show them the way to fight, and too few resources for the fighting. Franklin and Silas Deane, now in France to achieve an alliance, had not succeeded much beyond securing the willingness of some Frenchmen to help.

One of them was the Marquis de Lafayette, who had come over to America with another nobleman, the Baron de Kalb, to offer his services without pay. He hated England—and came to America to fight a common enemy. Franklin, an astute appraiser

of human qualities, liked him. He had asked Robert Morris to keep an eye on him, and Washington to help him.

Men like Lafayette and De Kalb were sincere lovers of liberty. But the love of liberty was not enough. What was needed was unity of purpose and unity of effort. The Declaration of Independence had effected the former. The latter was still as far from achievement as ever: the question of state sovereignty had not been resolved. And yet the need for union was paramount, while Congress only debated about disorders it could not remedy.

Washington, in winter quarters at Morristown, could not cure them either. Desertions and drunkenness, disease and hunger were rife in his camp. The men had to endure hardships which were almost beyond human endurance. Albigeance Waldo, who was there, wrote in his diary, "Poor food—hard lodging—cold weather—fatigue—nasty clothes—vomit half my time—smoak'd out of my senses—the Devil's in't—I can't endure it. There comes a soldier, his bare feet are seen thro' his worn-out shoes, his legs nearly naked from the tattered remnants of an only pair of stockings, his Breeches not sufficient to cover his nakedness, his shirt hanging in strings, his hair dishevelled. . . ."

Only a dogged courage, only an inhuman patience and the pervasive longing for liberty kept the slender forces of the army from disintegrating entirely.

Patrick Henry was striving in his own way to correct this disorder. Scarcely had he been inducted into his second term when he issued a proclamation which he dated in the "second year of the commonwealth 1777." It was his idea to prevent the widespread profiteering on the needs of the soldiers as well as to stem the widespread "false and injurious reports of the condition of an army, under his Excellency, George Washington." These would be stopped by "condign punishment."

He immediately ordered the raising of ten additional companies of artillery, and actually succeeded in raising sixty-four companies of militia, to meet the threat from the British fleet, with

Howe's troops on board, off the Virginia coast. He was in constant touch with Washington, learned about his requirements, and encouraged him with his efforts.

Encouragement was needed, for Washington's whole standing army was rapidly dwindling. It was never more than five thousand, and usually less than half that number. He had to pretend that he had many more, so that the British would not attack; so that, indeed, the American farmers would not withhold the badly needed food.

Back home—the homes of the soldiers—conditions were little better. The men who were still faithful to the cause of liberty were receiving some heart-rending letters from wives who complained they were “without bread, and cannot get any.” They added, more plaintively, that the “children will starve, or if they do not, they must freeze; we have no wood, neither can we get any. Pray come home.”

That was not all. Much further north, at Ticonderoga, where the patriots were commanded by Anthony Wayne, the conditions were equally bad. Wayne was young, fearless and frustrated. He wanted to fight tyranny but he was fighting only the cold, bone-breaking winds and the hunger, the nakedness, the badly sagging morale of his men. His imploring letters to Congress for supplies, desperately needed unless Ticonderoga was to become a graveyard of men and hopes, were fruitless. Congress was helpless. The impetuous young man in Ticonderoga could only exclaim to the howling winds, “Oh, the *miserable* state of this country! And we are obliged to place our dependence upon such miserable engineers.”

[2]

In England meanwhile, the British were devising schemes that might cut the American forces in two, one on the east bank of the Hudson, the other on the west. While Howe would entrap Washington and his weakened army, Burgoyne would descend

on Ticonderoga, push on to Albany and join Howe's regiments for the final investment of the whole Hudson Valley. It was a simple if bold plan. If it succeeded, the war would be over, Lord Germain and George the Third would be happy, and the friends of freedom would have learned their lesson.

The lesson, however, was still to be learned. At first Burgoyne made a brave showing with his polyglot army of ten thousand British and Canadians, Germans and Indians. Edmund Burke took the occasion to denounce the employment of hirelings in the war, while Lord Chatham solemnly declared that "such a mode of warfare is in my opinion a contamination, a pollution, of our national character, a stigma which all the waters of the rivers Delaware and Hudson would never wash away; it would rankle in the breast of America and sink so deep into it that they would never forget nor forgive the horrid injury."

The injury was nevertheless committed. Fighting with little more than naked courage, the Americans were driven back. They were compelled to give up Ticonderoga. The British under St. Leger defeated Herkimer, as Benedict Arnold, at Stillwater, pulled his small band of patriots together for a dash to Fort Stanwix. Arnold was a bold and courageous man, an able and intrepid fighter. By a well-timed, expertly managed maneuver, he outwitted St. Leger and routed his army; the Americans won little more than a breathing spell to regroup, to rest, and to launch another assault. On August 16, a force of Hessians under Baume were badly cut up at Bennington, Vermont, by New England recruits under Colonel John Stark.

Patrick Henry, following the course of the Revolution with anxious interest, wrote to his friend Richard Henry Lee about the victory at Bennington.

"I rejoice over our success over Burgoyne," he said. "I rejoice because the New England men had so great a share in it. For a malevolent set are continually endeavoring to spread jealousies of these our honest, best, and most faithful allies."

Meanwhile Washington's army was being cut by the transfer of

some of his crack riflemen under Colonel Dan Morgan. These hardy Scotch-Irish fighters from Virginia were handed over to General Gates and ordered to go after Burgoyne. It was, perhaps, a necessary move, yet Washington, who was none too strong with them, would be infinitely weaker without them. It was late in August. Washington, waiting in Philadelphia, had no news of Howe. Perhaps, while Howe was temporizing, it would be a good idea to march northward also after Burgoyne. Between Gates and himself the cocky Gentleman Johnny might be disposed of while Howe, quiet and somnolent, tried to make up his mind as to his next move.

But Howe had made up his mind. He was already in the Chesapeake with a great fleet of ships, ready for a landing at Elk Head, in Maryland. Instead of going north to meet Burgoyne, it was now imperative for Washington to meet Howe in the south.

Marching through Philadelphia, Washington's army made a fine showing. From Philadelphia it moved to Wilmington, thence to the east bank of the Delaware River between Chads Ford and the Birmingham Meeting Place. Howe, with thirteen thousand men, waited at the Brandywine.

[3]

The Battle of Brandywine might well have been the end of Washington and the war. Neither the courage of the Americans, the valor of their officers, nor the Commander's own despairing fortitude would have been enough to prevent it. But Sir William Howe himself prevented it. Wayne, Sullivan, Greene, Pulaski, Lafayette—all of them fought until further fighting was impossible. When they withdrew after heavy losses, the British commander decided—as he had decided on previous occasions—to rest on his laurels, or on his buttocks. At Germantown he stopped his pursuit of the beaten patriots, until the time for pursuit was

past. Perhaps Tom Paine was not jesting when he proposed a monument to the memory of Howe.

The people of Philadelphia and Congress were no longer convinced of their safety when Hamilton rode into the city to announce the imminent approach of Howe's army. There was scarcely time for the marked men among the patriots to load their wagons and move to the south. The members of Congress fled to Lancaster, to York, where they stopped for breath. When Lord Cornwallis marched through the streets of the Quaker city he was greeted only by the loyalists, who thought it safer to stay behind.

They might not have been safe if Washington's plan, carefully made at Pennypacker's Mills, had not gone awry. For it was a bold plan to catch Howe at Germantown—bold enough for one who had just suffered a bad defeat at Brandywine. Wayne had believed in it; Wayne believed in anything that meant a chance at the Hessians who had cut up his own men only a short while before at Paoli.

But the execution of the plan depended not only on Washington and Wayne. It depended also on Sullivan, on Greene, on Pulaski, on Henry Knox, on Peter Muhlenberg, on their co-ordinated action and their proper timing. There was none. The plan was tried, and it was defeated. The Battle of Germantown was lost. Howe, cockier than ever, joined Cornwallis in Philadelphia for a well-earned rest in the company of Mrs. Loring. In October, when the leaves began to fall, and the winds to blow, Philadelphia could be a chilly and a lonely place without her.

In the North Country it was more than chilly. It was bitter cold there, as Gates and Arnold prepared for the inevitable battle with Burgoyne.

At last General Gates was ready, and at Saratoga Morgan's sharpshooters from Virginia picked off the redcoats as once they were picked off on Bunker Hill. Benedict Arnold, though a General, rushed with his men against the redoubts of the Earl

of Balcarras and the breastworks of Breyman, until he fell wounded.

The fighting was nearly over. Burgoyne, badly beaten, attempted in vain to retreat. On October 17 he surrendered.

[4]

The victory of Saratoga sent a thrill of renewed hope through the camp of Washington, while Patrick Henry, whose neighbors had done so much to secure it, was filled with pride in his people. It was for him an occasion of more than official rejoicing. It was a happy consummation of anxious waiting, first for Dolly, who had made up her mind at last, and then for the outcome of the battle of Saratoga. On October 9, Dorothea Dandridge had become his wife. Now, both he and the Revolution would prosper.

At home there was contentment. Dolly was a good wife, loving as Sarah had been, and even more of a helpmate. She could discuss his problems with him, advise him, act the part of a Governor's wife as Sarah could never have done.

One of his worst problems was the currency. Prices still rose. Nobody believed in paper that looked like money but was not worth its own weight in paper.

Patrick Henry demanded action from the Assembly. In October, 1777, it acted on his proposal for a tax that should be used for the sole purpose of redeeming its own issue of paper money. This was a great step forward in the responsibility of government for its own printing presses.

If this was not sufficient to correct the disorder of inflation and profiteering, the assembly passed another act, providing for the seizure of whatever provisions were needed for the army, to be paid for at a price fixed by a commission of freeholders—not by the owners themselves.

At the same time, Patrick Henry, with the consent of the law-makers, arranged for continuing levies of troops, by volunteers if possible, by drafting if necessary. The coast of Virginia must

be zealously guarded against surprise attacks, while all persons considered dangerous to the Revolution were to be arrested and imprisoned.

Did the State have the power to do these things? It was a question that few asked and fewer undertook to answer. Patrick Henry, writing to Washington on October 29, explained the need for caution and action, the pressing danger to Virginia and the country. "At present," he said, "seven men-of-war and three large transports or provision vessels are in or near Hampton Road. The troops of the State are so few . . ." Nevertheless, he offered his own troops to him. "Reflecting on the necessity there may be of re-enforcing the army under Your Excellency's command, I trouble you with this, entreating you will be pleased to tell me whether that regiment will be a desirable aid to you."

One problem seemed insoluble: the Indians were raiding the frontier settlements, massacring women and children. The British had to keep the cauldron boiling, to deflect American troops from other points where they were badly needed.

Once before Patrick Henry had secured the good-will and gratitude of George Rogers Clark. Clark in turn, had given courageous aid against the Indians. Now, the Governor again appealed to the Kentucky frontiersman for help. When they met in December, 1777, they agreed on plans for the protection of the western settlements. These plans included not only the immediate safety of the pioneers but also the ambitious scheme of securing the great Northwest for the United States. It would take years to accomplish such a hazardous and colossal undertaking, but it would be accomplished.

Patrick Henry set the plans in motion, and encouraged and supported them by all the means in his power. One day, the America he had incited to Revolution would be a country not only free but also great.

Turning from the plans for winning the Northwest, Patrick Henry proceeded with those for winning the Revolution. He took swift action against the Tories, the loyalists, the thieves and

looters, the grafters and profiteers, the saboteurs and sappers. From day to day, almost from hour to hour, the Governor watched the swinging pendulum of war, and labored that it might not swing the way of defeat.

There were momentary interludes when he could retire for a while into the calmer, more peaceful atmosphere of his home. At such times a few alert and hard-working members of the Council would help to carry on the business of the Executive. Between bouts of illness and recurrent moods of impatience with details, the Governor sometimes left his duties to others. The effort to keep his long nose in still longer documents for any length of time was often beyond his powers as well as his inclinations. It was fortunate for him as for the State that at least one Councilman had both of these in good measure. James Madison, young, vigorous, and ambitious, was a willing and dependable worker. It was believed by some that he even wrote some of the State papers for the man who would rather talk than write.

Dolly was always a happy haven from the cares of office, and the children a welcome respite from the burdens of war. Dolly would bless him with many children; one was even now on the way. Every year there would be a baby. The man who was old enough to be Dolly's father was young again. And he was happy also in the friendship of younger men who loved liberty and remained true to the cause of America.

There were too many Americans who showed their love for liberty in most peculiar ways. Caution was understandable. Fear was natural. Failure would mean a quick and ignominious hanging. The difference between failure and success in the Revolution—in any revolution—was the difference between patriot and traitor, between hero and coward, between life and death.

Some patriots were neither cowards nor traitors, but only weak. Here was the Reverend Jacob Duché, with good intent, perhaps, writing a long letter, full of logic and censure, to the Commander-in-Chief, the sum of whose three thousand words

was the need for immediate capitulation to the British. The Reverend Duché was a patriot. He had once uttered a fervent prayer in Congress for divine help in his country's struggle. His words had "filled every bosom present" with hope and courage. It was fortunate that Congress received his letter from Washington after the news of Saratoga, when its spirits, at lowest ebb since Brandywine and Germantown, had been revived and enkindled.

Yet all was far from right. Duché had failed—but something else more dangerous was brewing. For General Gates had come to believe that at Saratoga he had demonstrated his own capacities as Commander-in-Chief. Washington, he thought, was responsible for more than Brandywine, more than Germantown. Added to these, there were now also the defeats at Fort Mercer and Fort Mifflin. To cap it all, Washington had taken his beaten and battered remnants into the hills near the Schuylkill, twenty miles from Philadelphia, the worst possible place in the winter, where the winds howled with the wolves, and the cold numbed the ragged, hungry men. They called the place Valley Forge.

At Valley Forge the starving soldiers were desperate—without sufficient blankets, or shoes, or stockings, or coats, or trousers. A sentinel, exposed more than the others, would have to borrow some clothes when he went on duty—and return them when he was through. And food? A raid on unprotected farm wagons would yield some provisions. But these were scant, and the crafty Quakers were careful. They preferred to do business with Howe, who paid at once, and paid in gold. John Adams, writing to his dear Abigail, let loose a flood of words about them that could have drowned them all in contempt. Pneumonia and smallpox was rampant among the weak, and dysentery dissolved even the strong. Desertions further decimated the ranks. Thousands were unfit for any duty. The army which Washington had wanted to build up for the spring offensive had dwindled away to almost nothing.

By the end of December he felt that he could bear the strain

no longer. He must tell the truth to Congress, to whom he was responsible.

"It is with infinite pain and concern," he began, "that I transmit to Congress the enclosed copies of sundry letters respecting the state of the Commissary's department. . . . Unless vigorous exertions and better regulations take place in that line, and immediately, this Army must dissolve." The Congress, vigorously asserting itself, proclaimed "a day of fasting and prayer."

The infinite pain and concern of the Commander-in-Chief were hardly touched by this solicitude of the Congress. The Revolution, its hopes and its dreams, its blood and its sweat, its courage and despair all seemed in vain. Incompetence, disloyalty, a vast complacency and a great betrayal were conspiring to nullify them all. The betrayal was perhaps the greatest blow of all to the man who thought he had reached the bottom, ready. He discovered it through a letter from Patrick Henry.

The Governor of Virginia was himself in a state of slow decline, physically and spiritually. He had bent every effort to bolster the hopes of his people—and his own hopes, too. To Washington he had sent whatever supplies could be scraped from the lean larder of Virginia, to mitigate the suffering at Valley Forge.

Henry was altogether ignorant of the conspiracy that was fomenting in Congress and out of it, to supersede Washington as leader of the American forces. If there was a cabal being organized by General Thomas Conway to have Washington replaced by Gates, he only learned of it when he received a letter, written by someone whom he did not know, asking for his help in bringing it about. "The Northern Army has shown us what Americans are capable of doing," it read, "with a general at their head." The writer also asked him to burn the letter.

He did not burn the letter. He sent it to his friend at Valley Forge so he would also know what depravity was at work to destroy him. At the same time he added some words of his own.

"Believe me, Sir, I have too high a sense of the obligations

America has to you to abet or countenance so unworthy a proceeding . . . I really think your personal welfare and the happiness of America are intimately connected."

In gratitude Washington took his pen to answer him.

"I have ever been happy in supposing that I had a place in your esteem, and the proof you have afforded on this occasion makes me peculiarly so." More sadly he added: "I cannot hope that my services may have been the best; but my heart tells me that they have been the best that I could render."

Patrick Henry had never doubted it.

[5]

The sufferings at Valley Forge were alleviated as winter softened into spring, and the spirits of the men rose with the temperature. Their Commander-in-Chief had received a new drillmaster. His history and antecedents were scarcely such as one was likely to find in a lover of liberty—but Frederick William, Baron von Steuben, was a sincere friend of freedom, an honest man and a genius in the art of warfare. He could mold an army out of a mass of raw recruits and sulky malcontents. He had been an officer under Frederick the Great and had learned a good deal from that professional soldier. Lafayette may have been right when he called him only a "methodical mediocrity," but he did have method, and a dogged persistence. He also had a rare understanding of such men as these Americans, and a great capacity for taking infinite pains with them. And he worked endlessly to rebuild the army that had nearly fallen apart. When he was through, the patriots would know how to fight with gun and bayonet, and they would have the spirit for fighting.

There was also some encouraging news from abroad. France was moving closer to an open alliance with America. The whole French nation was becoming more than a mere onlooker, a mere well-wisher of the Revolution. The bourgeoisie was learning about Rousseau and Voltaire, Helvetius and Montesquieu, while

the Bourbons were becoming alarmed by the threat of British imperialism. Britain was mistress of the seas; she must be checked. How better to do it than by helping the states in their struggle against the common enemy? France decided to help.

To Louis XVI it seemed that the time for pretense had come to an end. Until now, the game of aiding the states had been played with a calm interest and with a niggardly concern. Hortalez and Company had been a screen behind which the astute and enterprising Beaumarchais could operate without divulging the Bourbon's complacent and discreet hopes of American victory. These hopes were no longer discreet. The British Ambassador to Paris, Lord Starmont, had been withdrawn, while the Comte d'Estaing, with an armada of ships, was openly bringing help to the foe of England. It was no democratic impulse that moved the King of France to do this. It was the hope, growing as the fortunes of the Revolution grew, that America, a weak ally, might become a powerful one, and the mistress of the seas no longer a danger to the trade and commerce of France.

The good old Doctor Franklin, striving to effect a treaty between the two countries, at last succeeded.

When the news of the treaty became known in America on May 8, 1778, the hopes and the spirits of the patriots were rekindled. The army at Valley Forge was reborn. The efforts of Steuben were increased. The sun began to shine with renewed warmth, and there was rejoicing among the people everywhere.

Patrick Henry rejoiced with the rest. He had argued it through all the dark days of the Revolution—and now he was happy that it had come at last. Now, perhaps, he could get some sorely needed supplies from France, supplies for his own State of Virginia as well as for the continental armies. Virginia had its own agent in Paris.

To William Lee, the agent, he sent off an immediate request for twenty thousand stand of arms, and for a loan to pay for them. His "Most Christian Majesty" Louis XVI, would doubtless

advance the two million *livres* needed in the transaction. Besides small arms, Henry wanted also cannon and mortars and howitzers for the safety of Yorktown—on the Virginia coast. The British were harassing the trade along the waters of the Old Dominion; and these weapons were desperately needed to protect that trade.

They were needed for another reason too. With the approach of the English ships, the loyalists of Virginia were growing bolder. There were not many loyalists left, less here than elsewhere, yet they required strict surveillance. Sabotage was as dangerous as the British fleet.

The Assembly had taken steps to lessen or avert that danger from within. All males over sixteen had to take an oath of allegiance to "The Commonwealth of Virginia as a free and independent State." Expulsion and confiscation were weapons against those who were tardy or slack or openly hostile. Few were openly hostile. The subtle tactics of defeatism were safer, and even among the avowed patriots there were those who indulged in them: who sought to undermine the authority of the Commander-in-Chief, and were still trying to ruin another friend of Patrick Henry, Richard Henry Lee, as a member of Congress; an attempt which failed, but only by a narrow margin.

The political ferment at home and abroad involved many people, in many places. It seethed also in Williamsburg. Yet one person remained outside the vortex. When his second term as Governor expired, Patrick Henry was re-elected by the unanimous vote of the Assembly, by friends and foes alike. In this, at least, there was harmony in the State of Virginia. The confidence in, the affection for, the first man of Virginia, had not abated at all. Thomas Jefferson, who advised the House on May 30 of the acceptance by Patrick Henry of the renewed honor, had not lost his own confidence in the man. On the surface, harmony prevailed.

The same could not be said of the Congress, where no harmony prevailed, where few members were even interested in harmony.

Oratory was still mistaken for action and conflict for results. The oratory and the conflict were also petering out. Less and less interest was shown in the proceedings, while President John Laurens, anxious to have some pressing problems disposed of, was despairing of ever getting a quorum together for their disposition. He had written to the Governor of Rhode Island in January, 1778, about the heavy burdens which were carried by "a very few members" because attendance rarely exceeded thirteen. Often "barely nine States" were represented by as many persons.

There were doubtless good reasons for the small attendance. York was a difficult place to get to. The British were uncomfortably close at Philadelphia. It would have been calamitous to suffer a wholesale hanging of the people's representatives. They did begin to filter in as the spring sunshine poured down on the roads. Even Sam Adams showed up at last, for he, like the others, was wondering about the new peace overtures which Lord North had made to Washington. They sensed a maneuver to distract the people from the war effort, as the Virginia delegates hastened to inform Patrick Henry. It all came to nothing, for peace without independence was something that the leaders of Congress wanted no more than the people—or the leaders out of Congress—wanted it. Despite the quibbles and the quarrels, the hardships and the heartaches, they kept that goal before them. With France as an ally, it seemed certain of achievement. Washington himself, in a much brighter mood, believed that "the States will shake off their languour, and be stimulated to complete their battalions."

The states were stimulated, though they were still laggard on the one question that was more important than all the others put together. They were still debating the Articles of Confederation which had been submitted to Congress in November, 1777. By March, 1778, only one state—Virginia—was ready to ratify the Articles without conditions. Virginia, first in this as in so many affairs affecting the country, understood better than most the urgency of a united front against a powerful enemy. The overtures of Lord North, the disruptive machinations at home and

abroad, the question of the currency, of the multiple problems disturbing the best efforts for victory—all these were made possible, even inevitable, when they had to be discussed in thirteen forums by thirteen autonomous republics, with no cohesive thought or action save such as was tried so ineffectually by the Congress. Congress was the pool in which all problems swam about like fish—but there was no proper bait to catch them.

The process of ratification was a slow and tedious one, filled with endless amendments and reservations, endless speeches and rhetoric. They outlasted York; they flowed into Philadelphia.

Philadelphia, so recently held by Sir William Howe, was held no longer.^a Howe, having so many times delayed a blow that might have been the final blow, had delayed once again; once too often, England thought.

Howe had enjoyed the abundant luxuries of Philadelphia as Washington and his army languished at Valley Forge. When he could have closed his arms on the pitiful force of the rebels, he chose to place them around the alluring shoulders of Mrs. Loring, whose husband had been sent to another post far from the Quaker city.

It was fortunate for the Revolution if not for Sir William Howe. He was recalled to London for reprimand. And he resigned his commission altogether.

The Revolution was saved. Tom Paine said nothing about a monument to Mrs. Loring.

[6]

In the spring and summer of 1778, the prospects for victory grew brighter with the hint of help from Spain. No one believed that the Spanish autocracy was being dissolved in the charms of

^a Franklin had not been entirely serious when he answered an Englishman in Paris who baited him on the capture of Philadelphia: "Well, Doctor, Howe has taken Philadelphia." Franklin had replied, "I beg your pardon, sir, Philadelphia had taken Howe."

Revolution. But Gibraltar was a prize that might be won back from England. Meanwhile the French fleet would soon arrive off the Capes of Delaware, while another fleet, the puny one of the pugnacious John Paul Jones, was preparing to engage the frigates of England in their own waters. The prospect for America did indeed seem brighter when Sir Henry Clinton replaced the dilatory Howe.

Sir Henry was not dilatory. He was strangely active. On June 18 he had evacuated Philadelphia. No one knew why. Though nobody threatened him, he moved across the Delaware to Camden. It seemed as if he were running away before anyone even thought of running after him. Strange indeed.

But Sir Henry was not running away. He was active with orders to try new tactics against the stubborn rebels. The ports of the Atlantic coast were to be reduced. New York was to be held. The whole western frontier, with the help of the Indians, was to be harassed. The South, granary and supply source of the North, was to be invaded. Beginning with Georgia, the Carolinas would follow, and Virginia. Virginia would be taken, and the war would be over. It had begun there, with Patrick Henry's resolutions. It would end there—perhaps with his capture, and death.

It was a grand plan, one that had its indisputable merits. If it succeeded, the States not yet touched by the war would be made to feel its full fury. Their supplies of men and food and munitions would be stopped. With no help from within, with a tight cordon of ships to prevent any help from without, the Revolution would be starved and beaten to its knees.

There were also faults in the plan. It was simple, perhaps, to defeat one part of the rebel territory, then move on to the next. But how could the conquered territory be held? Clinton had a good army, well fed, well clothed and fully armed. It was strong in numbers, but not strong enough to hold all the towns it might capture, with sufficient men left over to invade the others still unvanquished. Like air into a vacuum, the rebels could fill any

place not tightly sealed. What had been won would be lost, what was lost might as well never have been won. As at Lexington and Concord, at Bunker Hill and Boston, at Ticonderoga and Saratoga, the rebels were nimble and unpredictable. When beaten they recovered; when routed they reformed; when chased they returned. Like birds of prey they were always watching, waiting for the moment to strike.

As the troops of General Clinton marched from Camden to New York, with a baggage train twelve miles long, the news of his coming was spread through the camps at Valley Forge. The small forces of Washington had been unable to risk an attack on Philadelphia; but now, with that city clear of the enemy, and the enemy himself exposed in long lines stretching for many miles, the Commander-in-Chief saw his opportunity.

The heat was stifling as Washington's army crossed the Delaware at Coryell's Ferry on June 21. As he moved through Princeton, the temperature rose to 102 degrees. Many of the men were prostrated. Nor were the British much better off. One third of the Hessians fell away from exhaustion. By the time both armies met at Monmouth Court House, their losses were about equal.

At Monmouth Court House, Lee attacked, with half a will, and then only the rear guard of the line. Wayne and Lafayette, in the van of the column, wanted to assault on the left. The fighting was confused, the plan of attack was undecided, and no clear maneuver was projected. In the confusion of men and purpose that followed, General Lee began to retreat. Detachments of riflemen and artillerymen retreated with him. Lafayette and Wayne, shouting, wheeling, ordered a halt, an attack, but to no purpose.

Washington, releasing the pent-up emotions of an awful winter at Valley Forge, suddenly let loose a flood of speech that rooted to the ground all who heard him. He sent Lee to command the second line in the center. Wayne joined Stewart and Ramsay with light infantry. The Negro conscripts from Massachusetts

fought with a new-found fury. Knox hammered the British cavalry with his guns, from his perch near Lee on Comb's Hill. And Lee, now unafraid, was cool and brave as the best of them.

While Wayne hacked at the Royal Fusiliers; while Steuben held his men in line as he had taught them back in Valley Forge; while Greene's sharpshooters picked off the Queen's Rangers under the Earl of Cornwallis; Washington raced back and forth, commanding, encouraging, fighting. "I never beheld so superb a man," said the Marquis de Lafayette.

As darkness fell on the field of Monmouth Sir Henry Clinton withdrew his forces with all possible speed. Washington had saved his army from defeat, though he had been unable to give it a victory.

[7]

Against almost overwhelming odds Patrick Henry struggled to meet the complex military requirements: settlers on the Ohio needed protection against the Indians, Clark wanted reinforcements for his campaign in the Northwest, Virginia and the South demanded soldiers. The Governor labored to supply them but it was impossible to supply them all. Men were unwilling to fight for a pittance while others were growing fat on the hardships of the many. Now there was an additional source of trouble. The currency was worth little enough when it was genuine. Now it was not even that. It was counterfeit.

There was so much forged paper money in circulation that, in the opinion of Richard Henry Lee, "the loss of our liberty seems at present more likely to be derived from the state of our currency than from all other causes."

Nor was that all. The failure of the Confederation was defeating the imperative need for a uniform system of money. Each state treated the matter in its own way, and conflicts abounded. This question of confederation, unless solved quickly, would

bedevil the best efforts of the best men to achieve united action in all the states. The Union was still a creature with thirteen feet, each one trying vainly to move in unison with the others.

Maryland, Delaware and Jersey were still holding out, afraid that their own rights and powers would be jeopardized by a merging with the other states in a confederation of all. Maryland, perhaps with reason, wanted to know first and clearly what part of the western lands, being taken by Clark for Virginia, would be handed over to the Union for a sharing by other states. The already huge territories of the Old Dominion were being augmented by the foresight of Patrick Henry—and would no one else have any right in the new acquisitions? New York, occupied by the British, was afraid to commit itself until *all* the other states had joined.

Patrick Henry could demand a law of the utmost stringency against the forgers—death without benefit of clergy. He could raise a foreign loan for arms and gold. He could even appeal to Benjamin Franklin to use his influence for a credit to Virginia for a shipment of small arms. Yet the root problem that affected all other problems remained. His own state was the first to agree to Confederation. But the last had not yet agreed. Until it did, all other questions would remain unsettled, all other troubles would remain unsolved.

Only on one score could the Governor of Virginia enjoy any real satisfaction. How deeply he felt it was revealed in his letter to the Virginia delegates in Congress. Written on November 14, 1778, it gave a detailed report of the exploits of George Rogers Clark, whom he had sponsored and whose plans he had encouraged and supported. Clark had already captured Kaskaskia, in the Illinois country. He had been able to win over the Indians in his fight against the British. The enemy found the tall, lean, powerful young woodsman both difficult to beat and baffling to snare. His explorations down the Ohio, his surveys along the Kentucky River, his designs on the stronghold of Detroit, on the

English governor himself, Colonel Henry Hamilton, who was paying the Indians two dollars for every American scalp delivered to him—all these promised even greater rewards for the State of Virginia and the country. Patrick Henry was proud of his part in the young man's feats—in the supply of funds, munitions and men—which had helped to achieve them.

He needed this comfort in the welter of disappointments and difficulties which assailed him in the third year of his office. Though still a young man—he was only forty-two—he was ailing much of the time. The malarial fevers had left him with recurrent attacks of weakness making it necessary to lay aside his heavy burdens for days at a time. His stoop was more pronounced, his nose seemed longer in the thin, pale face. His gray-rimmed glasses were used more often; as he peered through them, his eyes seemed more strained, his expression more tense. He lost something of his old gaiety—it was more subdued and less frequent. It was becoming increasingly pleasant to rest at home, free for a while from the pressure of his duties, to spend more time with Dolly and the children. Dolly ministered to him with the love and understanding of a good woman who was also a good companion. And she thought that he was himself "the best husband in the world." He did nothing before consulting her. Between these two—the young woman of distinguished ancestry and the much older man of distinguished position—it was a marriage of heart and mind.

The duties of the Governor of Virginia were often too exacting for Patrick Henry, who had little stomach and less patience for the burdens of his office. The backwoodsman, the man of the open spaces, did not enjoy the close confinement of an office. The drain on his energies frequently resulted in an equal lapse in his duties. He left them to others when it was possible to do so. Too often they seemed all but futile—as futile as the efforts to win a final victory, or even a final union of the states to achieve it.

The Congress was doing little enough to help. It was still struggling with the interminable problem of Confederation, without which the friends of Revolution were doubtful of its victory and its enemies sure of its defeat. Even the French, who had sent their ships to help, had withheld the full measure of their support. Disappointments, discouragements, and defeats seemed widespread, with all manner of conflict and confusion, and Congress was the greatest offender of all. Its president, Henry Laurens, summed it all up when he decided to resign his chair. "I cannot, consistently with my own honor, nor with utility to my country, considering the manner in which business is transacted here, remain any longer in the chair."

The business of the ally was transacted but little better. The strength of the French fleet under d'Estaing had been overrated, its effective power overestimated. Hot words had already been exchanged when General Sullivan accused the French commander of conduct "highly injurious to the alliance formed between the two nations." And the Marquis de Lafayette, quick to resent a slur on his country's honor, had challenged Sullivan to a duel. The insults had been forgiven, the duel was forgotten and never fought. The alliance survived.

But the people of America were not satisfied. They suspected these foreign entanglements. D'Estaing, well-meaning and honest, had accomplished nothing. The newspapers wrote with journalistic abandon about the dancing masters, the fops, the priests of France who had come to America under secret orders of the King to accomplish the annexation of the country, not its salvation. In Boston, one French officer was beaten to death, while French soldiers were treated with the utmost contempt. It was not strange, under the circumstances, that d'Estaing, in the interests of peace, set sail for the West Indies.

And it was then that the British decided to attack the southern states. With the French fleet out of the way, they had nothing to fear.

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When Patrick Henry received the urgent request of Congress for help in the defense of the South, he was perplexed and worried. The southern states had, as yet, seen little of the war. Their homeland had been spared the marches and countermarches which had ravaged so much of the North. But Virginia had shouldered burdens which few of the others had the inclination or the means to assume. Even the burden of guarding the prisoners of the Saratoga battle had been added by the Congress.

This last, Patrick Henry considered something more than a burden. For him it was also a trust, scrupulously to be observed and humanely to be carried out. In his letter of December, 1778, to Colonel Charles Lewis, who was to be in charge of the British prisoners, he made it clear that "I consider the careful discharge of the Trust for guarding these prisoners which is reposed in you as a matter of high concern to the safety and repose of this State. The worst consequence will attend their getting away or mutinying. A due attention to their wants and to the dictates of Humanity towards them is highly proper and what I am convinced you will not omit, because the Honor of our country requires it. . . ."

It was late in November, 1778, when Patrick Henry wrote to Congress about his fears and perplexities. He could not send the necessary thousand militia to Charleston, South Carolina, because there were no "tents, kettles, blankets and wagons." At the same time he wanted to know what Congress meant when it asked him for galleys, manned and equipped, for an attack on East Florida. What about Virginia—what of the protection of Chesapeake Bay, the loss of which would imperil not only Virginia, but Maryland as well, and Pennsylvania, and North Carolina, too? Where were the men to be gotten, or the equipment to fit them out for a winter campaign? He himself needed the help of Congress—but there was little prospect of his getting

any from that source. Patrick Henry was almost at his wit's end to devise ways and means for the effective protection of his state and country.

He was not the only one. Washington was writing to Gouverneur Morris about his own desperate condition. "A rat in the shape of a horse, is not to be bought at this time for less than two hundred pounds." The sunshine patriots had never been affected by the desperate state of their country. They plied their own business with little heed to the appeals of Patrick Henry or of George Washington. Even some of the tried and true leaders of the people were listless—or busy with their own affairs. Profiteering was still rampant; graft was increasing. "In the present situation of things," Washington was writing, "Where is Mason, Wythe, Jefferson?" Where were they indeed?^a

It was the old problem of men and material all over again. For the lack of them it was possible for the Indians to repeat their former horrors under the prod of British bribes. In northern New York, men, women and children were the new victims of their barbarity now as they had been before in the Wyoming Valley of Pennsylvania. Entire settlements had been put to the torch by the redskins and whole hamlets destroyed. The Cherokees were getting ready to do the same thing in Kentucky and Virginia. Tory thieves and partisans were preparing the way for a union with the Chickamauga towns on the Tennessee for new forays on the frontier.

The foresight of Patrick Henry could prevent the full fruition of these sinister designs; yet they were halted too late to save the isolated settlements. It was more a stroke of good fortune than prevision that enabled Colonel Evan Shelby, commissioned by Patrick Henry to put down the Indians, to succeed in the quixotic venture. The renegades were defeated, their towns were burned,

^a Washington to Harrison, Dec. 18, 1778. Jefferson had refused to serve in Congress because of his "domestic affairs." Years later he said that it was because he could do better work in the Virginia Legislature—as indeed he did.

their provisions were destroyed. One acute danger, for the time at least, was stamped out. There were still others.

Savannah had already been taken. Now, the seaways of Virginia, close to Portsmouth, were filled with English ships. Portsmouth was taken, and with it "goods and merchandise of very great value," as Patrick Henry hastily informed Congress. He also informed the people of Virginia of the calamitous state of affairs, of the encircling pressures and dangers, the prevention of which seemed remote, since little could be expected from any outside source—certainly not from Congress.

In a proclamation he called on "the county lieutenants and other military officers in the Commonwealth, and especially those on the navigable waters, to hold their respective militias ready to oppose the attempts of the enemy wherever they might be made."

The enemies' attempts continued. And they were successful. Not only Portsmouth, but Gosport and Norfolk were taken. Suffolk, with great stores of provisions, was captured. Admiral Collier and General Matthews destroyed what they could not carry off. They almost captured the whole Virginia navy. More than that, they rivaled the savages in the ferocity of their assaults on civilians.

Colonel Lawrence, writing to Patrick Henry about the depredations visited on a helpless people, painted a lurid and dramatic picture of the "distresses of our unhappy countrymen and fellow creatures," which, he said, "exceeded anything in imagination." The invaders not only ruined and burned all that was within their reach, but they committed "murder, rape, and violence," and such acts of inhumanity as "call aloud for the most vigorous and spirited exertions." The laws of civilized warfare were ignored.

Quite different was the manner of treatment enjoined on his own people by Patrick Henry. He did not waiver in his own humane orders for the handling of British prisoners. As once he had instructed Colonel Lewis to pay "due attention to their

wants and to the dictates of humanity," so now he begged Clark, in his proposed attack on British outposts, to "show humanity to such British subjects and other persons as fall into your hands."

As spring turned to summer, in the year 1779, Washington confided to his friend Benjamin Harrison: "Our affairs are in a more distressed, ruinous, and deplorable condition than they have been in since the commencement of the war. If I was to be called upon to draw a picture of the times, and of Men, from what I have seen, heard, and in part know, I should in one word say that idleness, dissipation and extravagance seem to have laid fast hold of most of them. That speculation, peculation, and an insatiable thirst for riches, seems to have got the better of every other consideration and almost every order of men. That party disputes and personal quarrels are the great business of the day whilst the momentous concerns of an Empire, a great and accumulated debt, ruined finances, depreciated money, and want of credit (which in its consequences is the want of everything) are but secondary considerations and postponed from day to day, from week to week, as if our affairs wore the most promising aspect."

The ruined finances and the want of credit were only slightly alleviated by the few who were willing to contribute their own resources and financial acumen to the support of the Revolution. Men like Robert Morris and the Polish Jew, Haym Salomon, did what they could. Later they would be able to do more. But all this was little enough in the face of the tremendous demands on the Commander-in-Chief. And he could have added still more complaints to those he had already made.

He could have inveighed against the habit—a persistent one in all times—of men in positions of trust to profit from the trust reposed in them. Roger Sherman had deplored "such temptations as an honest man would not wish to be led into."

Yet they were led into it. "The speculators," one report had it, "are the vermin that have been the great cause and source of our misfortune in this respect."

One crumb of comfort was vouchsafed to Washington. His officers and men, "though they have been alternately without bread or meat" for nearly a fortnight; though they have been half-starved and imperfectly clothed, yet "they have borne their sufferings with a patience that merits the approbation and ought to excite the sympathy of their countrymen."

Patrick Henry, nearing the end of his third term of office, knew of the fine things as well as the evil ones that filled the days of Washington with the fluctuating hopes and despairs of the Revolution. As he was quick to rejoice in the heroic, selfless sacrifices of some, he was no less outraged by the ineptitude, the chicanery and downright thievery of others. It seemed almost possible if not inevitable, at times, that "our hitherto noble struggle [would] end in ignominy."

As others were criticized, so also was Patrick Henry. Virginia, some said, had too few men to guard it, too little material to ensure its protection. It was true. Yet he had done what could be done, with the powers given him to ensure the safety of his state and his country. In the measure in which he had failed, the failure was not his alone, nor the Assembly's; perhaps not even that of Congress. It was largely the fault of the self-seekers, shirkers and pseudo-patriots, who put their own selfish interests before the interests of their country.

Those who had three times made him Governor voiced no criticism of his labors. They might have given him still another term, if the Constitution had not made him ineligible. Under the circumstances, Patrick Henry asked them to deliberate "upon the choice of a successor to me in office."

On June 1 they deliberated. On the first ballot Thomas Jefferson received a plurality, but not a majority, of the votes cast. He was elected by a margin of six votes on the second ballot.

At the same time—unanimously—the Senate and Assembly paid "a tribute of applause" to the man who was laying down the burdens of office. Without a dissenting voice they thanked him "for his faithful discharge of that important trust, and his uniform

endeavours to promote the true interests of this State and of all America."

And unanimously, also, they elected him as a delegate to Congress.

He would not accept this office either. There were many reasons for his refusal. Most important perhaps, was the condition of his health: he felt like an old man; he was tired. He needed a long rest.

As the summer cooled to autumn in 1779, as the autumn froze to winter, there would be little time for rest.

PART VI



The War Comes to Virginia

[1]

THE events that now shaped the history of the American Revolution, the history of Virginia itself, were fast flowing at full tide. Before the tide would recede, the new Governor of Virginia would feel the force of its inescapable power.

It may be that Jefferson understood the gravity of the danger which threatened the Old Dominion. More likely he did not fully grasp its imminence nor its stern realities. As a man of thought he was more deeply immersed in the philosophy of the law and the extension of its profounder truths than in the immediate,

Illustration above: "Attempts at the features of Patrick Henry." Based on sculptor Crawford's tracing from B. H. Latrobe's sketchbook. The drawing was from life.

urgent and relentless pressure of day-to-day problems. These required action as well as thought. Jefferson had little time and perhaps less inclination to meet the multiple problems of his office, to grapple with them, and to solve them. In the House of Delegates he had made a place for himself as a leader second to none—perhaps second not even to Patrick Henry, whose burdens he had assumed with gratitude for the honor, though with apprehension as well.

"In a virtuous and free State," he said in his acceptance, "no rewards can be so pleasing to sensible minds, as those which include the approbation of our fellow citizens. My great pain is, lest my poor endeavors should fall short of the kind expectations of my country."

They did fall short. In the accelerated tempo of the war, Jefferson, the student and scholar, was tossed about in unaccustomed duties, and submerged by implacable demands.

Washington had wondered about Jefferson and Wythe and Mason. "Where were they?" he had asked in despair, when they were needed so desperately. They were learned men, scholars all. And Washington needed action. He had appealed to Mason for action. "I have beheld no day since the commencement of hostilities, that I have thought [our] liberties in such imminent danger as at present. Friends and foes seem now to combine to pull down the goodly fabric we have hitherto been raising at the expense of so much time, blood, and treasure. To our shame be it spoken [that] various tribes of money makers and stock jobbers of all denominations [want] to continue the war for their own emoluments." In a last, frantic plea, he cried out: "Where are our men of abilities? Why do they not come forth to save their country?"

Virginia had given of its men and resources without stint to the continental Armies. Its generosity had been matched by few, if any, of the other States. Its losses had been heavy, and for its own protection, only the militia still remained, a weak and dubious bulwark against the British army. It could easily become the

greatest victim of invasion, the scene of waste and carnage as yet unequalled in the war.

It was apparent that Britain intended just that, as Jefferson began his term of office and Patrick Henry, moving from the palace at Williamsburg, began what he thought was a life of ease and retirement in his new home on the North Carolina border, two hundred miles from Richmond. He had sold "Scotchtown" and bought an estate of ten thousand acres in the county recently named after him.^a At "Leatherwood," far removed from the cares and tumults of the war, he hoped to recover his health, bask in the warmth of his family, and perhaps look after his affairs which had long been neglected. He had land, but he had little more.^b While his friend Thomas Jefferson tended to the Revolution in Williamsburg, he would tend his fields at "Leatherwood," far from the alarms and fanfares of war.

The business of Virginia—its financial and military affairs—were as precarious as ever. Money was more imperative than ever before, money for continental requisitions and for the State itself. But where, except in taxation, could it be found? The large holdings of the royalists and the huge debts due to British merchants were ample sources from which the finances needed for warfare could be obtained. If obtained, the load of taxation could be lightened immeasurably. Only in one way, however, could the holdings and the debts be transformed into cash, ready and quick for the purpose of Revolution: by confiscation.

^a The records show that this land was purchased from Thomas Lomax, and paid for, not with depreciated paper, as Jefferson long afterward stated, but with full-value tobacco certificates, plus money raised from the sale of other lands. The entire transaction was an eminently fair one, questioned by no one but Jefferson, many years later.

^b Patrick Henry, like so many others, was land poor. Thousands of acres were bought and sold and traded, pretty much as stocks in recent years—on a thin margin of profit. Even so wealthy a man as Col. William Byrd, who had managed to accumulate nearly 175,000 acres in Virginia before his death in 1744, had so little money that he tried to get the job of Surveyor of the Customs for the Southern District of America.

Confiscation had already been decreed by the lawmakers, but the Executive had failed to enforce it. The legal quibbles and the artful dodges of the intended victims, palpably false though not yet legally determined to be so, had stayed Jefferson's hand. Until the litigation was decided he was constrained to do nothing. Even in a revolution the orderly processes of justice must be respected.

There still remained the matter of taxes. They were imposed, but rarely collected. Many counties paid little attention to them, while some paid none at all. Responsible officers could do nothing in this confusion.

It was simpler to cut down the ships of the navy, the commands of the army. Recruiting could be stopped. If the North needed help, if the South itself now needed help, the Governor would do what he could, but what he would do must be clearly authorized and clearly expressed by the Assembly in each detail and in each instance.

It was not enough. If Jefferson needed more power, he had but to ask for it. The present emergency was greater than any that had yet befallen the Old Dominion. Time was of the essence. Yet when the fires were spreading and the whole edifice of Revolution was at stake, Jefferson remained the honest, scrupulous, anxious partisan of constitutionalism.

Patrick Henry had been less legalistic though more of a lawyer. Jefferson, less of a lawyer, was more punctilious. And while he indulged in the counsels of perfection, the English perfected their own plans for an attack on his state.

[2]

Prices, at the end of 1779, were at the rate of twenty to one in terms of the value of paper money. Soon they would be sixty to one. A pound of beef was five dollars; soon it would be eight dollars. Regulation was a failure. Black markets thrived. Congress

could stem the tide by fixing the value of paper on redemption at one-fortieth of its face value. But what of the protests of Vergennes, the French Minister, to whom the procedure was tantamount to repudiation of an honest debt, honestly incurred, and presumably backed by the lives, the fortunes, and the sacred honor of the Congress who proposed to toss its promises out of the window? France was even now preparing to send the cream of its military genius to the aid of a tottering ally. Its own good faith was beyond further doubt or cavil. Another fleet was coming to America with the Chevalier de Ternay and an army of the best troops, six thousand of them, under the Command of the Comte de Rochambeau. France was no longer faltering in its help, though in America there were many who still faltered.

The fate of Virginia was uncertain. Its capital, considered unsafe at Williamsburg, had been moved to Richmond, where Jefferson was hard at work. He was sorely distressed by the complexity of his duties, no less than by their urgency. What was to be done? To whom could he turn? The Assembly moved slowly, too slowly for one who never moved quickly himself. There were interminable delays between the various steps of legislation and execution. And the times would brook no delays.

Jefferson, in this hour of need, wrote to Patrick Henry, giving him the news of the affairs of government and the war.

Patrick Henry received Jefferson's letter at "Leatherwood." His health was better; he was feeling stronger. It was a pleasant life in the secluded woodlands of "Leatherwood," with no cares beyond the moment. But he had had some information already about the sad state of affairs in the outside world. They had troubled him deeply. As he sat down to answer his friend, on February 15, 1780, he was moved by feelings that for a little while had been shut out from the peaceful groves of "Leatherwood."

First, he assured him of his return to the next Assembly, if chosen. That was his answer to Jefferson's and his country's need. And he continued: "My health, I am satisfied, will never again

permit a close application to sedentary business, and I even doubt whether I can remain below long enough to serve in the Assembly. I will, however, make the trial." Then, with something of his old heat, he added: "But tell me, do you remember any instance where tyranny was destroyed and freedom established on its ruins, among a people possessing so small a share of virtue and public spirit? I recollect none, and this, more than British arms, makes me fearful of final success without a reform."

There were many reforms, tried by Congress, by the House of Delegates, by Washington, and by Jefferson. All had failed. General Lincoln, with Virginia horse regiments taken over from Washington's army, and new Virginia recruits, had tried to win back Savannah from the British. He had failed. When Sir Henry Clinton moved against Charleston, Lincoln made an effort to stop him. This time he lost his army, most of them Virginians. Two thousand of them surrendered on May 12, together with five hundred militia, a thousand seamen, hundreds of pieces of ordnance and military and naval stores. And all the shipping in the harbor was gone, too.

It seemed like the end. Washington himself was more certain than ever before that the end had come. It was reasonable to suppose so when many troops under his command at Morristown rose in mutiny. The men had suffered as no men long can suffer. Morristown had been worse than Valley Forge. The mutiny was quelled by force.

Unless the feeble ray of hope from France would grow into a radiant star of help, the Revolution would be forever lost. And then Washington received word that Lafayette was coming back from France. He was bringing great and heartening news. De Ternay, Rochambeau, would soon be here. The French were coming, a new and mighty force of men and ships, of money and material. All was not yet lost.

By November, 1780, Patrick Henry was back in Richmond, in the House of Delegates. There had been no question of his return

by the people of Henry County. Despite his uncertain health he was once again the leader of the Assembly.

Again he was deep in the critical business of the war as a member of the Ways and Means Committee. The tempo of action was accelerated under his undisputed sway. In a short time—in a matter of days—arms were authorized for the troops in North Carolina, horses were impressed for the Maryland men ordered to South Carolina, wagons were seized for baggage, while the militia also was hurried to the help of the bordering States. At the same time, five thousand men were to be obtained for the immediate protection of Virginia. The foundry at Westham was taken over, provisions were inventoried, a part set aside for public use. Congress was called on for Continental troops to defend the South, and for a reconsideration of its proposed measure of repudiation. Patrick Henry was opposed to a repudiation of the solemn obligations of the country, and when George Mason and Richard Henry Lee supported the measure in the House, he also opposed them, his old friends and collaborators. For him, this was neither an honorable nor a wise method of coping with a dangerous problem in the nation or in the state.

The problem must be solved. His own proposal seemed the better way—the only honest way—to meet it. Let a sinking fund be established by the state for the liquidation of its debt in fifteen years. Let additional funds be raised to pay for current requisitions. And let a specific tax for these purposes be laid in full proportion to the ability of the people to pay it.

It was a simple proposal; it was honorable. It passed by a large majority—but it was not enforced. Another plan, that of Congress, was adopted instead. Perhaps it was because Patrick Henry was not in Richmond to speak against it. He had been compelled to return to "Leatherwood" after only twenty days of service. During those twenty days he had gone too fast, worked too hard for his delicate health. It was unfortunate for him and for the country. For the continental currency, falling from twenty to

one to sixty to one, still kept on falling. It would toboggan by quick slides to five hundred to one. It would only stop falling when it ceased to exist at all.

As Clark, still active in the West, was putting an end to the British attempts to subdue that territory, Washington was thinking of taking over the command in the South. He was being urged to do so by the southern members of Congress. He might have succeeded in stemming the slaughter there, but Gates was chosen instead. Where Lincoln had failed, Gates would surely succeed. He did not succeed. At Camden, in South Carolina, his men were cut to pieces, their commander, Baron de Kalb, killed. Cornwallis and Banastre Tarleton, the victors, were ready for a final assault on the Southland.

[3]

The disaster that befell the State of Virginia had its roots far back in the story of the Revolution, as far back, at least, as the heroic exploits of Benedict Arnold at Quebec, at Ticonderoga, on Lake Champlain, at Fort Stanwix and at Saratoga. This man had been a brave soldier, reckless on the field, inspired himself and inspiring to the men who followed him. He had been snubbed many times, by Congress, by Gates, by others of the military machine. Because of his bad leg, which had been damaged by a bullet at Saratoga, he had been reduced from a position of active leadership to one of glorified inactivity. To assuage his wounded sensibilities, he had finally been appointed the Military Governor of Philadelphia, with only routine duties. He had ample time for doing nothing—nothing but fall a victim to the allurements of ease and plenty in Philadelphia. The greatest allurements of all was Peggy Shippen.

Peggy Shippen was a beautiful woman, with notions of right and wrong that were as elastic as those of her loyalist father, Edward Shippen. She was only twenty, but at twenty she knew

something about men, their strength and weakness, their foibles and ambitions. Nor was she above using her friends to advance her own fortunes.

There was, perhaps, one friend whom she liked with less selfish purpose. His name was John André, a major in the British army.

Now, instead of a major, there was a general. Benedict Arnold was older than André, yet he had a certain distinction which the younger man never had. As Military Governor of Philadelphia he was top man. True, he walked with a cane, limping along the streets of Philadelphia. True also, he had three sons, whom he kept close to himself, wherever he was, since his wife had died. But he was a hero, and he was wildly in love with Peggy. What was of equal importance, he was very tolerant of the loyalists who still remained in the City of Brotherly Love. He did not molest them. He even liked them. He liked their sumptuous living, their rich homes, their fine manners, their respectful, flattering attention to his person and his office. Peggy's interest in this man had bloomed into intimacy, confidences were given and received, and her love was bestowed in return for his. For him it was real enough; it may have been real also for her, though for her it was confused with still other sentiments.

Some of them she confided to Major John André, in letters smuggled out to the British lines. Benedict Arnold did not know of these letters. As yet, he only knew one thing: he was in love and he was happy. If he had any doubts as to the divided loyalties of Peggy, he dismissed them. "Our difference in political sentiments," he wrote, "will, I hope, be no bar to my happiness. I flatter myself that the time is at hand when our unhappy contests will be at an end, and peace and domestic happiness be restored to all." He really believed it on the day they were married, in April, 1779.

Peggy did not believe it. To her it seemed that the struggle would go on for a long, long time, unless the scheme she had confided to André brought the war to a swift conclusion. Only so could an early resumption of peace and tranquillity be

assured. Besides, her scheme, if it succeeded, as it undoubtedly would succeed, meant rich rewards and many honors for the man she loved. His own government had failed to provide them—now they were within his grasp. And who deserved them more than he.

Peggy was ruthless in her logic. Her siren voice, soft and pleading, weakened her husband's will as his spirit was already weakened.

Major André, reading the letter that gave him the news of Arnold's wavering, brought it to Clinton. The greatest tragedy of the Revolution had begun.

It began in Philadelphia, but it was in Virginia that it was carried to its final and bitter conclusion. On the way, there would be an interlude at West Point, to which Arnold had just been appointed commandant. While Washington was waiting for him to arrive there a dispatch was delivered to Clinton's headquarters. It was an offer from Arnold to deliver the bastion on the Hudson to the British.

"If I point out the plan by which Sir Henry Clinton shall possess himself of West Point, its garrison, stores, artillery, etc., I want 20,000 pounds sterling. I think it would be a cheap purchase for an object of so much importance."

Cheap, indeed, as Arnold thought; as the Reverend Jonathan O'Dell, who carried the message, also thought. West Point was an object of much importance; its delivery an event that might break the heart of Washington; the ultimate straw that could bring the Revolution to an ignominious end.

It might well have been the end if Major André had not been intercepted with Arnold's pass in his pocket and Arnold's papers in his boots. It was unfortunate for André, though fortunate for Arnold that Colonel Jameson decided to inform him first of the capture of a spy. The message reached Arnold on the morning of September 23, 1780. Before the sun had reached its zenith he had fled to the safety of the British lines.

The plot had failed—but Arnold was safe. And Peggy excelled in her role of an outraged and deserted wife.^a

The interlude was over. For all but Major André, it was over. He died, his neck in a noose, as Benedict Arnold, now a brigadier in the King's army, prepared for his descent on Virginia.

[4]

When the House of Delegates reconvened in Richmond on October 16, 1780, Patrick Henry was there again. In quick succession he introduced resolutions calling on North Carolina for provisions, demanding renewed efforts by Congress on behalf of the South, authorizing a French loan for immediate credits, and empowering the Governor to seize any clothing that was needed for the soldiers. At the same time, he proposed a change of meeting place for the Assembly, if an invasion made it necessary.

Bills were quickly passed giving the Executive extraordinary powers to meet all contingencies, to draft and equip additional men. Heavier taxes were levied to pay them. Now Congress also moved quickly, on the demand of Patrick Henry. The troops of Pennsylvania and Georgia were assigned to the southern army. Lafayette was hurried south with twelve hundred regulars. There was no time to lose. Working at high speed, Virginia was doing what was possible to meet the threatened invasion. And having done what it could, the Assembly adjourned on January 2, 1781.

On January 2 also, Benedict Arnold appeared in the James River with a fleet of twenty-seven ships and a force of eight hundred men.

Jefferson might have foreseen the danger, when the Assembly, when Patrick Henry, when every other leader knew of it. Washington had written to warn him of British intentions two months before, on November 8. William Lee had written him from

^a Peggy received £350 "for her services which were meritorious," according to Clinton.

Europe about them. James Monroe had cautioned him that the British "meant to concentrate in Virginia."

What was to be done now? No matter who was at fault, Virginia was in mortal danger. General Thomas Nelson tried desperately to raise additional thousands of men. Baron Steuben labored heroically to muster the militia for quick action. All in vain. There was just time to remove some of the public records from Richmond before Arnold arrived on January 5.

In the days that followed January 5, 1780, Benedict Arnold laid waste the capital of Virginia. With no one to oppose him, he plundered the public stores and wreaked havoc on the public as well as the private property of his own people. Finishing one task of destruction, he withdrew to Portsmouth to prepare for the next one.

Muhlenberg, commanding the continental forces in the state, was replaced by Steuben, but he also was unable to turn the tide of British conquest in the Old Dominion. Nothing, it appeared, could stop the traitor who was now ravaging the plantations along the James, striking at will, destroying and pillaging. Arnold was only waiting for reinforcements to attempt even bigger things.

And what of Congress? What of General Greene, who had replaced the ponderous Gates? Congress was still passing resolutions begging the states for help; but Greene, more practical than Congress, had already sent Morgan after Tarleton. Greene himself had been forced to retreat through North Carolina before the superior strength of Cornwallis. Only by a miracle had Greene escaped across the Dan on February 12. It was an escape that might be turned into a defeat if Cornwallis pressed hard enough. That, at any rate, was how it seemed to Greene, as he sent an express dispatch to Jefferson for help.

"Our force is so inferior," he said, "that every exertion in the State of Virginia is necessary to support us." And he added: "I have taken the liberty to write to Mr. Patrick Henry to collect fourteen or fifteen hundred volunteers to aid us."

Patrick Henry, whose home was near the Dan, responded at once. The volunteers were raised. Greene moved again on Cornwallis, and the British were forced to give up North Carolina and retire to Wilmington.

"Virginia," General Greene informed Washington, "has given me every support I could wish."

Despite all that could be done, Virginia was nevertheless exposed as never before. Even the French fleet, which had gone to the aid of Portsmouth, was compelled to withdraw before the British threat of encirclement. Benedict Arnold had been joined by General Phillips with two thousand more men from New York. Muhlenberg was defeated at Petersburg on the Appomattox; the remains of Virginia's navy were captured by Arnold on the James; fires were set and supplies were destroyed. And now Cornwallis himself was moving rapidly to join Phillips.

Lord Germain, writing to Clinton on March 7, 1781, voiced his confidence "in the speedy suppression of the Rebellion." He added that it was due, in no small measure, to "the success of General Arnold's enterprise up James River, which the rebel newspapers confirm."

It was in the March Session of the Assembly that Patrick Henry was chosen as chairman of a committee to formulate a protest to Congress for its failure to provide Virginia with adequate protection. Before it could be presented, Congress became alive to the seriousness of the situation, and ordered a large contingent of the Continental army to the South.

The power of Congress was precarious, but at long last it was real. Maryland, the state that had held aloof from Confederation, had finally agreed. On March 1, it had given its consent to the Articles, without which, as John Sullivan had said, the Congress was "a Body without power, and the States the several component parts of a monster with thirteen heads."

What else Congress could do to turn the tide in Virginia remained to be seen. As yet, the onslaught on the South continued unabated.

"No description," James Madison wrote to his friend Philip Mazzei, "can give you an adequate idea of the barbarity with which the enemy have conducted the war in the Southern States. Every outrage which humanity could suffer has been committed by them. They have acted more like desperate robbers or buccaneers than like a nation making war for dominion. . . . Rapes, murders, and the whole catalogue of individual cruelties, not protection and the distribution of justice, are the acts which characterize the sphere of their usurped jurisdiction. . . . They are a daily lesson to the people of the United States of the necessity of perseverance in the contest."

The people did persevere. When Nathanael Greene met Lord Cornwallis at the Guildford Court House in North Carolina on March 15, 1781, a full third of the British forces were wiped out in the fighting.

Lord Cornwallis could delude himself that he had lost little in the battle of Guildford Court House; he might even believe that he had won it, since the American forces had finally relinquished the field. In England, Charles Fox, a far more astute observer who possessed few illusions, knew better. "Another such victory," he informed the House of Commons, "would destroy the British Army."

Cornwallis, less gloomy in his opinions, nevertheless decided that North Carolina was not important enough to hold. He professed to believe that a serious attempt upon Virginia would offer greater possibilities of complete victory. "Until Virginia is reduced," he added, "we could not hold the more Southern provinces."

Virginia was the goal. If conquered, the war would be over. Cornwallis, at least in this pronouncement, was correct, for the Old Dominion was the bulwark of the Revolution.

Its reduction proceeded. Raids and destruction continued at a tempo set by Benedict Arnold and increased by Lord Cornwallis. Treason increased with the success of British arms, and Tories, silent and subdued until now, broke out like rashes on the weak-

ened body of Virginia. Drafts were resisted. Agents sent to impress provisions for patriot forces were mobbed. Bleeding from many wounds, the Old Dominion was in mortal danger.

[5]

In Richmond, the Assembly met for a day, and then fled to Charlottesville, miles away from the storm's center and high up in the hills of Albemarle. Cornwallis, encamped on the North Anna after a futile attempt to catch Lafayette, now sent Colonel Tarleton to catch the members of the House of Delegates. Chance, however, intervened to save them: Captain John Jouett noticed Tarleton's long lines moving up the road to the hideout, and through the good fortune of a fast horse and a short cut he was able to warn them in time. They scattered in all directions, by twos and threes, through the woods and the hills, in a mad scramble for safety. A few were caught: Judge Peter Lyons, once an adversary of Patrick Henry's in the Parson's Cause, was captured. Another was Patrick Henry's half-brother, Colonel John Syme.

Thomas Jefferson, the Governor, also managed to escape. His home at Elkhill was less fortunate. The crops on its broad plantations were destroyed by Cornwallis. The sheep, the hogs, the horses, were taken; the fences were burned. Thirty of the best slaves were carried off. Tarleton, however, did little damage to Jefferson's home at Monticello. "Tarleton," he said, "behaved very genteelly with me."

The Assembly, having agreed to meet in Staunton in an emergency such as this, was in a hurry to get there. It was thirty-nine miles to Staunton, and they were to meet on June 7—three days later. It was a risky road to Staunton, and they must dodge and hide, if they would ever get there at all. They and the Governor were all that was left of the Government of Virginia. Somehow they reached Staunton, though seven delegates were caught on the way.

Patrick Henry was hiding in a deep gorge between high hills. With him were William Christian, Benjamin Harrison, and John Tyler. Night was falling as they knocked on the door of a lonely cabin. The old lady who cautiously opened the door was not inclined to ask them in. Who were these men, so furtive and suspicious, who wanted to spend the night there, who wanted food, and whom she had never seen before.

Patrick Henry explained.

"We are members of the legislature," he told her, "and have just been compelled to leave Charlottesville on account of the approach of the enemy."

"Ride on then, ye cowardly knaves," the old lady replied. "Here have my husband and sons just gone to Charlottesville to fight for ye, and you running away with all your might. Clear out—ye shall have nothing here."

As she made ready to shut the door in his face, a face flushing deeply in the gathering dark, Patrick Henry stopped her.

"But," he continued, "we were obliged to fly. It would not do for the legislature to be broken up by the enemy. Here is Mr. Speaker Harrison; you don't think he would have fled had it not been necessary?"

The woman hesitated. She was less certain though still skeptical.

"I always thought a great deal of Mr. Harrison," she said, "but he'd had no business to run from the enemy."

As she turned her back on them again, Patrick Henry tried once more to persuade her.

"Wait a moment, my good woman. You would hardly believe that Mr. Tyler or Colonel Christian would take flight if there were not good reason for so doing?"

"No, indeed, that I wouldn't."

"But Mr. Tyler and Colonel Christian are here."

"They here? Well, I never would have thought it. No matter. We love these gentlemen, and I didn't suppose they would ever run away from the British. But since they have, they shall have

nothing to eat in my house." And she added with unmistakable finality: "You may ride along."

It seemed quite final—though it merited a last trial. Mr. Tyler tried it.

"What would you say, my good woman, if I were to tell you that Patrick Henry fled with the rest of us?"

"Patrick Henry! I should tell you there wasn't a word of truth in it. Patrick Henry would never do such a cowardly thing."

"But this is Patrick Henry."

"Well, then, if that's Patrick Henry, it must be all right. Come in, and ye shall have the best I have in the house."

Whatever the old lady may have thought about the bravery or cowardice of her guests, the fact remained that they, like all the members of the government, had scattered like chaff before the wind. They might otherwise have been caught and imprisoned—if only that. Their conduct was not questioned.

But the conduct of Thomas Jefferson *was* questioned. There was no doubt that for the two years of his office he had been a conscientious, diligent executive. The chaotic conditions that preceded and accompanied the invasion; the lack of supplies and soldiers; the lack of adequate accounts concerning them, which he had inherited from Patrick Henry's tenure—all of them had made his task infinitely more difficult. Yet it was also true that his best efforts had been unequal to the acute problems that had plagued him in the greatest crisis of the Old Dominion. When quick action had been imperative, he had stumbled over constitutional quibbles; in a mistaken notion of military requirements, he had delayed desperately needed help for the Virginia forces; when drastic measures were called for, he temporized over legal definitions. His remarkable powers of intellect and initiative seemed submerged by the overwhelming misfortunes that descended like a tidal wave on his beloved state of Virginia.

Jefferson himself was at least conscious of his failure if not of his fault. On May 28 he had written to Washington of his great

relief at the impending termination of his second year as Governor and his resolve not to seek another term. "A few days," he wrote, "will bring me that relief which the constitution has prepared for those oppressed with the labors of my office, and a long declared resolution of relinquishing it to abler hands has prepared my way for retirement to a private station."

He retired before any successor had been chosen to his office. He did not go to Staunton, where the makeshift government was sitting. He went instead to one of his farms in Bedford County, to join his wife and children.

George Nicholas, on June 12, moved for an inquiry into his conduct. Nicholas was a member from Hanover county, an honest man according to Jefferson's own statement. He, like all the rest, had a high regard for Jefferson. Patrick Henry had lost none of his admiration for his old friend, yet he too spoke for the resolution. He spoke, not against his friend, the man who had codified the laws, prepared the blueprints, fashioned the structure of a democratic future for Virginia and the whole country, but for the truth about his friend's conduct in the darkest hours of that country's history. And he spoke, as those who heard him believed, with restraint and "with delicacy." Jefferson's resentment against Patrick Henry was nevertheless great.

In the days of their friendship these two had been worlds apart, however close together the exigencies of the Revolution had brought them. One was essentially plebeian, passionate, unlearned, even uncouth. The other was a man of delicate sensibilities, an aristocrat in habits as in culture, in his birth as in his breeding—the flower of Virginia society. He was an epicurean, in his physical as well as in his intellectual tastes. His table, like his mind, was furnished with delicacies obtainable only from abroad. He had an interest in science, and pursued an objective search for the truth. Patrick Henry's mind, like his body, was a simple, forthright organism, needing nothing but simple nourishment. Both these men were democrats. One of them loved the people

from afar, from his library and through his intellect; the other was one of them, mixed with them, and spoke their language. They admired Jefferson, while for Patrick Henry they felt a closer kinship. It was a feeling in no way diminished by the cataclysm of the invasion, though Jefferson's repute suffered in the crisis. Despite the crisis, Jefferson had divorced himself completely from all public affairs.

The Nicholas resolution was passed, but the hearings were never held. The times were too hectic for any but the most urgent business. And the immediate business of the Assembly was the election of a new Governor. This time they picked a man of action, and a military man to boot. General Thomas Nelson, originally suggested by Jefferson in a letter to Washington, was elected.

[6]

The Marquis de Lafayette, sent by Washington to the aid of harassed Virginia, was trying for a juncture with Anthony Wayne. Lafayette had two missions. One was to fight the British; the other was to capture Benedict Arnold. The missions were part of an overall plan devised by the Commander-in-Chief for the simultaneous relief of the Old Dominion and the defeat of Britain, a plan whose ramifications were made possible by the newly acquired help from France. The French fleet under Admiral Destouches was to deliver a strong force under Baron de Viomesnil, second in command to the Comte de Rochambeau, while Muhlenberg and Nelson, the new Governor of Virginia, were waiting on the James. If the plan succeeded, the combined forces of America could wipe out the British, take Arnold and virtually end the war. So far it had not succeeded.

The French, unwilling to try the issue, had withdrawn to their base at Newport. Muhlenberg, willing but weak, had been replaced by Steuben. Lafayette, uncertain of the event, was doing little more than watching Phillips as he made his round of raids

along the James. Lafayette was still waiting, hoping, for a juncture with Wayne. Greene, instead of moving north, had decided to stay in the Carolinas.

The maneuvers of both sides were confused; there were advances and retreats, forced and planned marches, sly stalking and baited traps. Cornwallis pushed forward from Richmond to Williamsburg. Muhlenberg fell back before Tarleton. Wayne pressed on near Jamestown.

The summer was slowly drawing to a close. At the end of a whole month of maneuvering, Cornwallis had not yet been able to reduce Virginia. It had suffered cruelly, at Richmond, at Williamsburg, at Portsmouth, on the James and on the York. At Green Spring, Lafayette had barely escaped destruction. And now Cornwallis, unaccountably, was moving on Yorktown.

Yorktown seemed a strange, unlikely place to try the issue. Jutting into the sea between the York and the James, it was an exposed and vulnerable peninsula that might prove just the trap for which Washington had hoped and which he was even now preparing to shut tight. If American supplies and reinforcements got there first, Cornwallis would be hemmed in between the land and the sea.

Lafayette, stationed at Malvern Hill, was advancing on Williamsburg, to spring the trap. General Nelson, the Governor of Virginia, was confident that it would be closed. And Patrick Henry, seeing an opportunity that should not be missed, was sending to Congress a final plea for help; and if it could send no help, *"we think it is high time to call upon our European Allies and Friends for their most strenuous exertions."* That was on June 22, when a rumor was abroad that he, Patrick Henry, was secretly proposing capitulation to the British. It was a false rumor, never openly charged then or at any time during his life. John Jay had tried to enlist Spain, but Spain had never even accepted him as an official of the weak and seemingly moribund government of the United States. Even France had been slow, dilatory, wavering. But now she was in a position to give a great

deal more help. By the time Cornwallis had entrenched himself at Yorktown, France alone could close the trap. The moment for decision had come.

This time the French did not fail their ally. They had already given evidence of their good faith. John Laurens, whom Congress had sent to Paris for a loan, had returned with six million *livres* in gold. Robert Morris had also pried another twenty thousand dollars from the scanty stores of Rochambeau. De Grasse had sailed from Haiti with twenty-eight ships of the line and thousands of troops to reinforce Lafayette at Williamsburg.

To join the French in closing the trap, Washington had given up the idea of taking New York. With cunning skill he had spread the word that he was ready to move against Clinton—and moved instead toward the South to take Cornwallis. It was September 14, 1781—and the trap was nearly closed.

It was too late now for Cornwallis to escape. By sea there was de Grasse, who had already won an engagement with Admiral Graves. Now, de Barras was also in the Bay, and the British could not relieve their general from that side. The French also guarded the York and the James. Washington and Rochambeau were approaching Yorktown from the land side with a combined force of nine thousand men, while Nelson was closing in with another three thousand militia from the Old Dominion. Lynn Haven Bay was entirely blocked. Lauzun and Choisy were chasing Tarleton out of Gloucester Point.

Clinton, having discovered that he was outwitted, set full sail out of New York harbor to rescue his unfortunate comrade in Virginia. Before he could get there the bombardment of Yorktown began. The French, under Portail and Guerenet, advanced, as the Baron de Viomesnil held the left flank and Lafayette the right. Colonel d'Avoville trained his artillery so well that he shot away the British cannon. Washington and Rochambeau arranged their men in a semicircle around Cornwallis, while de Grasse completed the circle on the water. The French kept their promise; they fulfilled the prophecy of Patrick Henry. They gave gen-

erously to the dream of freedom. The dream was a reality. Cornwallis surrendered on October 19.

[7]

Was the struggle over? Washington did not think so. Greene had not yet freed Georgia. The Carolinas were still occupied. Clinton still held New York.

The great and the small of Paris could flock to the home of the grand old man of America—to Benjamin Franklin, at Passy—where he would greet them all with patriarchal dignity, and accept their homage as a tribute to his country. The French were sure that the war was over.

Though Washington doubted it, Lafayette was also sure. He was getting ready to leave his beloved Commander forever, to return home to his pretty wife and his great estates. With serene confidence, he could write to the Comte de Maurepas, the Prime Minister of France, that “the play is over, the fifth act has just ended.” He could not know that there was still another act.

Lord North, like Lafayette, might feel that “it is all over.” But he was not ready to admit it except in private; while George the Third was still pleading with Parliament to continue the fight. Washington was wiser than most in relaxing none of his vigilance. “My greatest fear,” he wrote to Greene, “is that Congress, viewing this stroke in too important a light, may think our work too nearly closed, and will fall into a state of languor and relaxation.”

His fears were not unfounded. As he returned to his headquarters in the Hudson Highlands, to prepare plans for the campaign against New York, the old troubles began once more to ferment. The soldiers were clamoring for their pay, people were clamoring for peace, the States were clamoring for their inalienable rights—some of them relinquished in the war—and there were even some secret plottings at sedition and revolt. It looked as if the victory at Yorktown was less a victory than an interlude between defeats. De Grasse, back in the West Indies, had suf-

ferred a staggering blow from Rodney; his flagship, the *Ville de Paris*, had been sunk, and thousands of his men were dead. The Revolution was not yet over. Now the British Parliament might listen to Lord North, to the King, and begin where Cornwallis had left off.

But the people of England wanted no more war. There were riots in London against it, against the Tories who were responsible for it, against the leaders who would not end it. North was driven out, the Whigs were put in power.

Peace! Peace! It was the cry of the people of England, echoed by the people of America. The capture of Savannah by Wayne, the capture of Charleston by Greene, persuaded Shelbourne, the new Prime Minister, to delay it no longer. The making of the peace began—but it would take a long time to complete.

When Patrick Henry took his seat in the House of Delegates on November 27, 1781, he at once proposed measures that would be needed whether the peace came now or later. Taxes must be levied on real and personal property, including slaves. The currency must be strengthened by a bill providing for new specie certificates to replace the old and discredited paper money of the state. The wages due to soldiers in the Continental and State service must be adjusted and paid for out of receipts from confiscated properties. Private debts must be scaled down to the value of the new specie. Patrick Henry, taking time by the forelock, had tried to assure a tranquil transition from war to peace. It seemed assured by the time the House of Commons decided, on February 28, 1782, to end the war.

The task of drawing a treaty was difficult and involved. As it dragged on interminably, Patrick Henry sought to bring a measure of order into the business of Virginia, though in the business of Congress there was still no order at all.

As the day of peace drew closer, there were some deep and secret stirrings of revolt against the Congress which was thought too weak, to ineffectual, for any order in peace as in war. Gates, Gouverneur Morris, Hamilton, soldiers and officers within the

camp of Washington himself, wanted to deprive it of any power, to place all power in the Commander-in-Chief, perhaps also in themselves. Hamilton, in veiled terms and carefully couched words, informed Washington of the plan. There were a few who even believed that Washington should be king. A monarchy might be better than a republic. They had been disillusioned by the weakness, the vacillations, the frequent failures of the people's representatives during the tragic years, and now there were the fumbblings of the peace and the uncertainties of the future.

The signing of the preliminary peace treaty put an end to the plotting of the malcontents. By proclamation of Congress, hostilities ceased. Bells were rung, and there was rejoicing throughout the land. Independence was an established fact. America, south to Florida and north to Canada, was free of foreign domination. On April 19, 1783, eight years after Lexington and Concord, the full terms were read to the armies that had won the American Revolution.

On May 6 Patrick Henry received a letter from George Mason. It read: "I congratulate you, most sincerely, on the accomplishment of what I know was the warmest wish of your heart, the establishment of American Independence and the liberty of our country. We are now to rank among the nations of the world; but whether our Independence shall prove a blessing or a curse, must depend upon our own wisdom or folly, virtue or wickedness. Judging of the future from the past the prospect is not promising. . . . It is in your power, my dear Sir, to do more good and prevent more mischief than any man in this State, and I doubt not that you will exert the great talents with which God has blessed you, in promoting the public happiness and prosperity."

Mason's friend Thomas Jefferson, humiliated and inconsolable over the resolution of inquiry into his conduct, had refused to take his place in the House of Delegates, to which he had been re-elected. Instead he was busy preparing his *Notes on Virginia*,

a peculiar and, in parts, a valuable survey of the public and private affairs of the Old Dominion.

His old friendship for Patrick Henry was gone. Now, as in the years to come, there was a growing bitterness toward the man of whom he could nevertheless say: "He was as well suited to the times as any man ever was, and it is not easy to say what we should have done without Patrick Henry. He was before us all in maintaining the spirit of the Revolution." Generously he added: "It must be allowed that he was our leader in the measures of the Revolution in Virginia, and in that respect more is due to him than to any other person. . . ."

It was not alone the opinion of Thomas Jefferson, but of all the people who knew of Patrick Henry's work in the long and trying years since first he started the ball of revolution rolling. Spencer Roane voiced the opinion of the people themselves. "He emphatically led the people in promoting and effecting the Revolution," he said.

And now the Revolution was over. In its military phase, at any rate, it had been won. Another struggle would soon begin: the great and everlasting struggle of the peace.

[8]

Few men were happier than George Washington at the termination of the war. At last he could lay down the burdens which had made him an old man before his time, and retire to the well-earned rest and comfort of his home at Mount Vernon. The British were gone—now he too could go. He had taken leave of his officers at Fraunces Tavern in New York—and at Annapolis, as the year closed, he gave his resignation to Congress.

"I can truly say," he told them, "that the first wish of my soul is to return speedily into the bosom of that country which gave me birth, and, in the sweet enjoyment of domestic happiness and the company of a few friends, to end my days in quiet, when I shall be called from this stage."

As he settled once more to the care of his wide acres and ample estate; while he enjoyed the domestic happiness so long denied him; the state into whose bosom he had returned was far from tranquil.

Governor Harrison, who had succeeded Nelson, was harassed by many problems that involved the rights of refugees, the wrongs of loyalists and Tories, the rights and wrongs of debtors and creditors, of mobs and riots that sprang like weeds from the soil of a war that had ended and a peace that had not yet begun.

Patrick Henry, in the House of Delegates, was distressed by the convulsions that had followed the war. He had tried to forestall them, to clear the ground that had made them inevitable. Now he tried again. Working on committees of all kinds—committees charged with the great task of reconstruction, reconversion and rehabilitation—he met with many difficulties. The old factions were forming again to thwart his efforts. During the war they had been quiescent; with the coming of peace, they flowered in even greater profusion. Reconstruction was going badly, not only in Richmond, but in Philadelphia as well. Congress, too, was having its problems, its clash of interests, both public and private. Some states had already forgotten that they were a part of the country and not countries by themselves. Confederation had achieved only the shadow of unity, not its substance. Did not the Articles of Confederation plainly provide that "Each State retains its sovereignty, freedom and independence," and that nine out of the thirteen states must approve any measure before it became binding on all of them? Congress—as before—could recommend. It could enforce nothing. There were still thirteen nations within a nation, and people still looked on Congress as something of a joke, if not altogether a nuisance. Dr. Rush was not wrong when he said that "The Congress is abused, laughed at, and cursed in every company." Many members, considering it both a nuisance and a joke, did not bother to attend.

In Virginia it was not as bad as that. There at least the Assem-

bly had the power—if only it had the will—to right some wrongs and prevent other wrongs from replacing them. Patrick Henry had proposed a measure that might help to heal the wounds of war. It was his idea that the best way to do this was by rejuvenating the commerce and industries of the Old Dominion, so that in growth and prosperity the old animosities might be forgotten and the old grievances of the people assuaged. The old enemies, even the Tories and loyalists, would be enlisted in the work of building up an economy that had been badly shattered by invasion and the years of warfare.

He believed that the prohibition against the importation of British goods should be repealed, and the rights of citizenship restored to the Tories, who would be permitted to return to the States.

For a leader of the Revolution these measures seemed as conservative as any Tory could desire. The opposition to them, however, came from the conservatives themselves. If British goods were allowed free entry, then what would happen to domestic industries—what would be the effect on the industries of countries other than Britain? In time, the State would be dependent on Britain again as it had been in the past. Competition would be stifled, the incentive for American manufacturers would be destroyed. The arguments seemed logical and unanswerable.

Yet Patrick Henry answered them. He had a logic of his own.

"Why," he asked, "should we fetter commerce? Fetter not commerce, let it be as free as the air—she will range the whole creation, and return on the wings of the four winds of heaven, to bless the land with plenty."

When Judge Tyler baited him with a query on his proposal to admit the Tories—asking "how he, above all other men, could think of inviting into his family an enemy from whose insults and injuries he had suffered so severely?"—Patrick Henry, rising to the occasion with the vision of a farseeing and prophetic leader, replied: "The personal feeling of a politician ought not to be permitted to enter [these] walls." The question was a

national one, and in deciding it, if they acted wisely, nothing would be regarded but the interest of the nation. "On the altar of my country's good, [I] am willing to sacrifice all personal resentments, all private wrongs."

His face was flushed as his argument expanded; his wig was askew but he pushed it impatiently aside. And the members, who had scarcely listened before, were paying keen attention now.

"We have, Sir, an extensive country, without population. What can be more obvious policy than that this country ought to be populated? People, Sir, form the strength and constitute the wealth of a nation. . . . Cast your eye over this extensive country—observe the salubrity of your climate, the variety and fertility of your soil. . . . You are destined, Sir, at some time or other, to become a great agricultural and commercial people; the only question is whether you choose to reach this point by slow gradations, and at some distant period . . . subjected meanwhile to machination, insults, and oppressions of enemies, foreign and domestic, without sufficient strength to resist and chastise them, or whether you choose rather to rush at once, as it were, to the full enjoyment of those high destinies, and be able to cope, single handed, with the proudest oppressors of the old world. If you prefer the latter course, as I trust you do, encourage immigration, encourage the husbandmen, the mechanics, the merchants of the old world, to come and settle in this land of promise. Make it the home of the skillful, the industrious, the fortunate, the happy, as well as the asylum of the distressed."

It was a profoundly clairvoyant picture that he painted of a land that was small and would one day be great, that was poor and would one day be rich, that was weak and would one day be strong. As he stood before the house, a bit of his bald head gleaming with sweat where the wig had fallen away, his lean, lined face glowing with some inner certitude compounded of logic and emotion, the members were held captive to his words, shared his emotion, and were persuaded by his logic. What he was telling them was the substance of the sacrifice and travail

of a great people, the yearning and hope of a generous people.

"Open your doors," he thundered, "and they will come in—the population of the old world is full to overflowing. That population is ground, too, by the oppressions of the governments under which they live. Sir, they are already standing on tiptoe upon their native shores and looking to your coasts with a wistful and longing eye. . . . They see a land in which liberty hath taken up her abode—that liberty whom they considered as a fabled goddess existing only in the fancies of the poets. They see her here a real divinity, her altars rising on every hand throughout these happy States, her glories chanted by three millions of tongues. . . . Let but this, our celebrated goddess, Liberty, stretch forth her fair hand toward the people of the old world—tell them to come, and bid them welcome."

Straight as though he never had a stoop, his blue eyes shining behind the lenses of his glasses, his face serene, the deep lines almost gone, he spoke the final words as if they were a benediction.

"Let us have the magnanimity, Sir, to lay aside our antipathies and prejudices. . . . I have no fear of any mischief that they can do us. Afraid of *them*! Shall *we*, who have laid the proud British lion at our feet, now be afraid of his whelps?"

Patrick Henry's proposals were accepted, his measures were passed. Immigration began. Virginia grew, as he foretold. And with its growth he foresaw the need for expanding the educational resources of the state. Charters were granted for an Academy in Northampton County, and for Hampden-Sydney College, with the proviso that the principles of the American Revolution must forever be taught to their students. The Governor was empowered to grant annual awards "for the best literary performances" at all public schools and colleges, "on the subject of the late revolution."

One other subject, not yet decided, was before the Assembly. Raised once, it was now raised again, and became clouded in an atmosphere of controversy, an atmosphere in which the opinions

of Patrick Henry seemed more clouded than the rest. It was the eternal question of religious freedom. The advocate of the Parson's Cause, the leader in the fight for religious freedom for all sects, now appeared to be an advocate of religious restraints rather than religious liberty.

Jefferson had once offered a bill for the freedom of all religions in Virginia. In the years that had followed, nothing had been done to resurrect that bill. Neither the lawmakers nor the people had been ready for it, even after Patrick Henry had forced his amendment to the Bill of Rights through the Richmond Convention. There were still the old quarrels and contentions between the sects—between Baptists and Presbyterians, Methodists and Episcopalians. During the Revolution all denominations had suffered heavy losses in ministers and parishioners. Religion itself had suffered most of all. Morality, the foundation on which it was built, had all but collapsed. One authority declared that "Iniquity greatly abounded."

Patrick Henry was a devout man. His children were raised as God-fearing men and women. On Sabbath evenings he liked nothing better than to lead them in the singing of hymns, to play for them, as they sang, on his violin. He believed that without religion a man was likely to succumb to his weaker nature, and be tossed on the tides and currents of his fleshly impulses. For him, religious teaching was imperative, as necessary as the teaching of the arts and sciences. No education was complete unless the learned man was also the good and the righteous man. To ensure that all could get a religious education, he wanted the State to pay for it. No sect would be favored. He had never trimmed his political sails to the winds of religious doctrine. All sects would be equal before the law.

The support by Patrick Henry of the bill for public aid of religious education cast a deep shadow on his reputation as a leader in the fight for religious liberty. Had he not been the first one to excoriate such aid in the Parson's Cause? Yet there, the established church alone had been the beneficiary; all others, the

dissenters, the New Lighters, the Baptists, had no support and no freedom at all. His concern now was for public and private morality in terms of religious training. It was a concern that many others shared with him. Washington and Richard Henry Lee believed as he did, though the people themselves, already taxed so heavily, were opposed to still another tax for this purpose also. The far greater issue of the separation of church and state was involved in this question, too, but that issue would not be settled for some time to come. Until it was settled, Patrick Henry believed that the State should support the Church, all churches, at least to the extent he proposed.

Was Patrick Henry, the radical, becoming a conservative? Did he believe that morality and righteousness could be imposed rather than acquired? Or was it only that he wanted religious discipline for the children who were growing up in a new, raw country, beset by many spiritual dangers which the war had multiplied? Certainly he believed in the beneficent power of religion in the lives of men, and in a certain asceticism that was one of its essential features.

Of a different nature though similar intent was the bill which he introduced in the House to encourage intermarriage between the whites and the Indians, and to provide State funds for the education of their children. Not many were outraged as he was by the gross injustices to which the redmen were subjected, the brutal inequities of which they were the victims. His bill might ease the way to a better understanding between the races; the frequent hostilities and continuous cruelties might in time be erased.

The bill was defeated, as it was surely doomed to defeat. And not only Patrick Henry was saddened by the loss of his bill. John Marshall, writing to James Monroe, grieved too, because "in my conception [it] would have been advantageous to this country. . . . Our prejudices, however, oppose themselves to our interests, and operate too powerfully for them."

Like the bill for religious instruction, this one, too, had for its

sole purpose the wiping out of prejudice among peoples of all sects, all colors, and all creeds. He deplored the condition of the black man and the institution of slavery. He wrote to Edmund Randolph a stirring plea to prevent a Negro child, Judy, who had escaped from another state, from being forced back into servitude.

His position on the slavery question was the same as it had been in 1773: "It is not a little surprising," he had written to Robert Pleasants, a Quaker, "that Christianity, whose chief excellence consists in softening the human heart, in cherishing and improving its finer feelings, should encourage a practice so totally repugnant to the first impressions of right and wrong. What adds to the wonder is that this abominable practice has been introduced in the most enlightened ages. Times that seem to have pretensions to boast of high improvements in the arts, sciences, and refined morality, have brought into general use, and guarded by many laws, a species of violence and tyranny which our more rude and barbarous but more honest ancestors detested. Is it not amazing that at a time when the rights of humanity are defined and understood with precision, in a country above all others fond of liberty, that in such an age and such a country we find men, proposing a religion the most human, mild, meek, gentle and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible and destructive to liberty.

"Would anyone believe," he continued, "that I am master of slaves of my own purchase? I am drawn along by the general inconvenience of living without them. I will not, I cannot justify it. . . . I shall honor the Quakers for their noble efforts to abolish [it]. . . ." It was a convenient, if high-minded attitude, shared by most of the enlightened leaders of Virginia.

The time for emancipation, he believed, was not ripe—but the time for kindness and humanity was ripe, and it was for these that he argued in the Assembly.

Most important of all, however, he urged that greater power be given the federal government, and that Congress exercise

"a compulsory process on delinquent States." It was a necessary process, if diverse peoples and prejudices were to be bound together, if diverse states and powers were to be pooled in a common endeavor.

Now, as the year drew to a close, Governor Harrison's constitutional limit of service was nearly over, and the Assembly was making plans for a new governor. Patrick Henry would have preferred to leave the Assembly, to leave all public affairs, to others. He had worked to the edge of exhaustion. Frequently ill, he had shirked no duty and refused no burden in the service of his state and country. Now he was about to be burdened with still greater demands. For on November 17, 1784, he was elected governor again, "without competition or opposition," and two weeks later, for the fourth time, he assumed the highest office in the state.

These were dark days in his private life; his mother passed away after a long illness, in December, 1784, and his only brother, William, was also dying. Furthermore, during his many years of public service there had been few occasions for the building of a competence. He had land, thousands of acres of land. He was not poor. Yet a large and growing family, the expenses at Richmond, the land itself, always kept him on the verge of debt or deep in its toils. Nevertheless he abandoned the hope of recouping his fortune and moved to "Salisbury," a farm across the James River in Chesterfield County, close to Richmond.

PART VII



The Fight Against the Constitution

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PATRICK HENRY had changed but little since the years he had haunted the forests and streams of Hanover. His tastes, in food and clothes, were the same. His concessions to elegance, withal perfunctory, were expensive. In the privacy of the executive chamber he could still observe a certain informality—he could even force his brother William to remove his shoes there and sit comfortably in his bare feet. He might have done the same thing himself. But in public the Governor appeared in a fine black coat, waistcoat and breeches. If the air was cool, he threw over them his scarlet cloak. His wig was neater, tied more carefully, and kept in place more often. In this there was a bit of vanity as

Illustration above: Red Hill in the nineteenth century. Patrick Henry lived and died in the story-and-a-half section. The two-story structure was added by his son John.

well as custom, for he was almost completely bald. At home he discarded it promptly, and wore a cap instead.

But at home or abroad his family was provided with the luxuries which fashion, and the office, decreed. Dolly, no stranger to the refinements of the gentry, liked them also. She could remember when her own grandfather had been a governor, and a royal governor to boot. As the wife of a governor she was prepared for the amenities of the position and the niceties which it required. Her husband, who worshiped her, was not slow to supply them to the first lady of Virginia.

She required a coach, though few others had one, even among the affluent. He himself rarely used it. "They lived as genteely and associated with as polished society as those of any Governor before or since have ever done." Patrick Henry was not averse to polished society. But neither did he forget the less fortunate—even the most unfortunate of all, the outlaws of society.

The treatment of criminals was only a little better than savage. Their rehabilitation was a problem few had considered. Punishment was rarely made to fit the crime. Patrick Henry demanded that prisoners of the state be treated with kindness, even with generosity. A man was not lost because he was in prison. He had himself seen and defended criminals. Sometimes only a hair divided the good from the bad, the man of virtue from the man of vice. The state must treat criminals as human beings and not as animals. Did the laws provide otherwise? Then the laws must be changed. Until they were changed, he ordered the officials of the Richmond jail that "Particular care must be taken that they be kept clean, and that their labor be confined to the usual hours and good weather."

Patrick Henry's attitude toward the death penalty was even more advanced than his conviction about the treatment of prisoners. He did not condone execution for the full catalogue of crimes which theoretically demanded the culprit's life. As governor he commuted many death sentences to life imprison-

ment. And because he did, the officials charged with obeying the letter of the law were dissuaded from enforcing its inhuman dictates. It was quite irregular, but the spirit—if not the letter—of the law was better served. And soon the Legislature would change the law itself.

[2]

The Legislature of Virginia was considering a gift to Washington for his services to the Revolution. On January 5, 1785 it voted him fifty shares in the Potomac Company and one hundred shares in the James River Company, both of them organized to exploit navigation on the two rivers. The Squire of Mount Vernon, doubting the ethics of such a gratuity, appealed to Patrick Henry for his opinion. It was a delicate question, one which the Governor took a little time to consider. When he finally decided on the proper course for Washington to take, he set forth his reasons in fullest detail. This gift, freely offered, could be accepted, though it might be wiser not to take it for himself but for such uses as he might think worthy of the benefaction. Washington readily agreed. The shares of the Potomac Company went to the National University later established in the District of Columbia, while those of the James River Company were given to the Liberty Hall Academy at Lexington, Virginia, whose name was changed to Washington Academy and finally to Washington College.

The American leader having been thus honored, Patrick Henry believed that some recognition was also due to the Frenchman who, perhaps more than any other of his countrymen, had supported the Revolution. It was both a public and a private pleasure for him to write to Lafayette, informing him that Virginia wished to erect a bust of him both in Paris and in Philadelphia. At the same time, Jefferson, now American Minister in Paris, had been instructed to obtain the services of Houdon for a statue of Wash-

ington. Houdon, persuaded to undertake the task, was glad "to leave the statues of Kings unfinished, and go to America to take the true figure by actual inspection and mensuration."

With the accomplishment of these duties that had to do with the past, Patrick Henry turned his attention to problems of the future. He wrote to Lafayette to ask his help in obtaining a large supply of arms for Virginia, so that never again would it be left defenseless. The Marquis' reply was warm and prompt. He promised to send Virginia the "warlike stores" it wanted. He would see to it that they were of the best pattern and material—though he hoped they would never be used. If America should ever have need to use them, "I hope she will not leave out of her list one who was early adopted in her service and who at all times will most readily and most devotedly offer his exertions."

Patrick Henry's own exertions, in this year of 1785, were directed in paths that might make Virginia not only a peaceful but a thriving member of a great community of states. To stimulate industry and commerce he encouraged John Fitch, that eccentric genius, in his fantastic scheme for perfecting a ship to be propelled not by the wind but by steam. Fitch was destined to taste—but only to taste—of the glory of his genius, when his boat made its trial run on the Delaware, two years later. It was to Robert Fulton that the full honors for the invention would fall. By that time, however, Fitch himself, discouraged and impoverished, was dead—by his own hand.

During the two years of his new office (he had been elected for a fifth term on November 25, 1785), Patrick Henry was busy with matters more immediately practical than the steamboat. To effect the calm and steady transition from war to peace he had fought for immigration, for an enlightened approach to the problems of foreign and domestic enemies, for the invigoration of foreign and domestic trade. The Revolution he had labored to win he also labored to insure.

He had already taken some steps to insure it in a military and economic way. He had tried to enhance domestic tranquillity by

a policy of education, and of intermarriage even, between the whites and the Indians. Redmen still harassed the settlers on the Trans-Allegheny frontier. To help solve this problem, the Countess of Huntingdon, rich and philanthropic, had suggested that the unsettled country of the red men be colonized with selected immigrants from Great Britain. Patrick Henry was impressed by the proposal. It would expose the Indians to the civilizing influence of good and industrious people, and together they might develop the land in peace and mutual understanding. He appealed to Congress for the necessary authority, since much of the land, claimed by Virginia, had been released to the federal government.

"The civilization and the Christianity of the Indians," he wrote Congress, "if indeed they are two things, are matters of high moral and political concern. . . . The whole economy of this lower world proves that it is by labor and perseverance only that good is obtained and evil avoided. . . . A scheme so calculated to promote the honor and interest of our country should be embraced without hesitation."

Though Washington approved the plan, as he informed Congress, it was destined to be rejected. Patrick Henry failed in this as in his earlier effort to legalize the intermarriage of whites and Indians; he failed to avert future Indian wars.

The British, with small regard for their treaty obligations, were again fomenting trouble among the Wabash and Shawnee tribes north of the Ohio, at the same time instigating attacks on the Kentucky settlers. The great Northwest might still fall as a ripe plum into their hands, and the feeble Confederation of American States might still fall apart. Impermanence was the hope of Britain—everything about the new freedom appeared impermanent. Congress, the unifying agency of freedom, was moving about from one place to another, seeking a site it could call its own, a home that should be a permanent one, fit and worthy of its new dignity as the Congress of the United States.

It could not agree on the new home because each section of the country was maneuvering for itself, for its own power and prestige. The North and the South played separate hands in this new game of politics. Congress was split; there were intimations of *two* governments in the place of one. In some states there were even movements on foot to split themselves into smaller units, into two states where there had been only one before. Would the states fall out among themselves, and the Congress be helpless to avoid it?

The British, looking on, saw the possibilities. Nor were they too farfetched. Each state, as of old, was a power unto itself. Each still had its own notions of monetary systems and each practiced its own ideas of self-sufficiency. It was not considered unusual for New York to levy duties on firewood from Connecticut or on cabbage from New Jersey. They each made their own laws without regard for the general welfare, imposed duties, internal and interstate, as they pleased, ignored federal requisitions for troops as they had before, and even failed to attend, as it suited them, the meetings of the national body. At home and abroad, Congress was helpless.

Still greater threats were brewing. Congress, ineffectual to preserve the safety of Americans in the lonely outposts of the West, appeared equally unable to protect the commerce of the South. Though Britain had agreed to the free navigation of the Mississippi, Spain, which still held the territory of the Floridas west to that river, refused to permit it. Don Diego Gardoqui, the Spanish envoy in America, seemed in a fair way to accomplish his end, which was to close the Mississippi to navigation entirely. If he were successful, the eastern and the middle states would gain new advantages of trade while the southern states would lose a life-giving artery of commerce. Indeed, their whole economy might ultimately be ruined. New England, which saw the advantage to its own interests in such an arrangement, fell in quickly with the compromise proposed by John Jay, the Secretary for Foreign Affairs. Navigation of the Mississippi would

not be prohibited forever, but only for twenty-five or at most for thirty years.

In a secret session, held on August 25, 1786, Congress, by a vote of seven states to five, agreed to this compromise. It was even rumored that if the southern states still refused to recognize the arrangement, the others would secede from the Union altogether.

Here was Federalism with a vengeance. Here was bludgeoning of a new kind—not by the enemies from abroad but by the enemies at home. As once the South had been threatened by England, now it was threatened by Spain, with the blessing of an American section. The North had once fought the common foe—now it was prepared to stand by while the South suffered alone. Indeed, the North would ultimately even profit by that suffering. Deprived of the great waterway of commerce, the South would be forever doomed to a subordinate position among the states of the Union. The North, hampered by no restrictions, with ample outlets for its trade, would dominate the future even as it proposed to dominate the present.

Patrick Henry was shocked by the turn of events. Before anyone else had said it, aloud and in the open, he had said: "I am not a Virginian, I am an American." He had hoped and labored for the union of all Americans. The Union? He was afraid of it now. If it was feeble, it was useless. If strong, it might be dangerous. If the New England states could band together now against his beloved Southland, they would do so whenever their own selfish interests were involved.

Had Patrick Henry, the radical revolutionary, indeed become a cautious conservative? He had wanted a strong national government, and now he feared it.^a The long letter which he received in August from James Monroe—a detailed account of the Spanish designs on the Mississippi and the projects of the North for abetting them—had only served to weaken still more his faith

^a Madison, as late as December, 1786, had spoken of Henry as "the champion of the federal cause . . ." who, because of the Mississippi deal, "will unquestionably go over to the opposite side."

in a union which could impose its will on one state or many states whether or not it was right to do so. He had, as late as October 4 of this same year, in the last days of his term of office, written to Joseph Martin, the Virginia agent in the rump State of Franklin, his belief that the Spaniards were back of the disorders which threatened the breakup of one state into two. "And all this," he continued, "while [they] are endeavouring to deprive them of the navigation of the Mississippi. This requires the strictest Union among Americans."

He still hoped for such a union—but would it be brought about? The present federation did not seem to offer much encouragement to the man who continued, in his letter to Martin, to say, "The Southern States are now hard set to prevent that navigation from being given up, and nothing has been omitted by me toward making a resolute and firm opposition to so iniquitous a project."

There was little else that he could do; he did, however, take a final step before he relinquished his office forever. When the House of Delegates, on November 29, passed a set of resolutions incorporating his own views on the subject of the Mississippi, he read them over carefully. They maintained:

"That the common right of navigating the Mississippi, and of communicating with other nations through that channel, ought to be considered as the bountiful gift of nature to the United States, as proprietors of the territories watered by the said river and its eastern branches, and as moreover secured to them by the late revolution."

"That the Confederacy, having been formed on the broad basis of equal rights, in every part thereof, to the protection and guardianship of the whole, a sacrifice of the rights of any one part to the supposed or real interest of another part, would be a flagrant violation of justice, a direct contravention of the end for which the federal government was instituted, and an alarming innovation in the system of Union."

This was Patrick Henry's position, formally recognized by the lawmakers of Virginia. And he was content with their approval.

[3]

Patrick Henry, having come to the end of his fifth term as Governor, decided to retire from public life altogether. He refused a sixth term because, as he said, "a variety of circumstances concur to render retirement necessary to me." His personal affairs were in a precarious condition, his debts had mounted and his health was bad. The family was a large one, and its needs were greater than his income could provide for. Dolly had managed well enough, but there were now eleven children—five by his second marriage. In this same year his daughter Anne had married Spencer Roane and Elizabeth had married Philip Aylette. Dowries had been given and now the boys had to be sent to Hampden-Sydney College.

His lands needed more attention than he had ever been able to give them. Scotchtown had been sold to buy Leatherwood, and additional funds had been needed to pay for it. To raise them he had disposed of his two tracts in Botetourt County as well as thousands of acres in Kentucky. Then he had moved to Salisbury while retaining the estate of Leatherwood. Now he was compelled to move from Salisbury to Prince Edward County, closer to Hampden-Sydney College, where he had bought the estate of Colonel John Holcombe on the Appomattox. For this latest migration he had little cash, but gave instead a large part of his remaining land and some of his slaves. Many acres still remained, though they paid none of his debts. His expenses rose still higher, and his income was insufficient to meet them. His debts piled up. He decided to heed the advice of his friends. "Go back to the bar," they said. "Your tongue will soon pay your debts."

One of the penalties of fame is that its demands are heavy. A reputation, once established, imposes its own burdens, less easily renounced than those of any other kind. Debts may be evaded. Illness may be assuaged. The obligations of fame and leadership are everlasting and inescapable.

Within a few days after he had resolved to resume his private life again, Patrick Henry was elected as one of seven delegates to a Constitutional Convention to be held in Philadelphia the following May.

Virginia had already called for a conference of the states at Annapolis to clarify the powers of the central government, and only five states had attended. Interest in the meeting had been small, and most of the delegates who did come could reach no agreement on the questions before them. It seemed certain that the conference would fail.

One man there had determined that it should not fail altogether. He was deeply concerned for the shaky structure of the government and he was resolved that it should not collapse. Once before he had offered a plan for revising the Articles of Confederation that would remedy the weakness of the Union, but nothing had come of it.

Alexander Hamilton, who had been watching the feeble efforts of Congress to achieve dignity and status in the face of conflicting states' rights and ambitions, had persuaded the Annapolis delegates to issue a call for a new conference, a call couched in such language as might induce all the states to attend. More than ever before, he believed in the necessity for basic changes in the props of government. If Congress was without direction, then it must have a rudder capable of setting it on a straight course. If Congress was weak, it must be given sufficient power to make it the vital and effective instrument of a great country.

What were the purposes of the Conference? The Convention at Philadelphia would only "revise" the old Articles of Confederation so as to make them "adequate to the exigencies of the Union." The States would have the right to offer amendments, to accept or refuse them as they chose, to ratify or not as they saw fit. The call for a conference was carefully worded, artfully drawn, and Hamilton had been able to put it through. The Constitutional Convention would be held.

Alexander Hamilton's belief in a strong central government

was crystallized by the recent rebellious outbursts of Daniel Shays and his discontented farmers in Massachusetts. The uprising, caused by an acute economic depression which was felt particularly in the rural districts, manifested itself at first in a demand by the farmers for the redress of their grievances. Instead of complying with these demands, the legislature tried to put down the insurgents with militia. Shays' Rebellion revealed some of the ugly sores that festered in the political and social life of America. The poor and the weak were being taxed beyond all conscience, their homes foreclosed and taken from them, and debtors were jailed by the hundreds, often for trifling sums, while the rich and powerful were masters still.

The old cleavage between the haves and the have-nots was the same, though now blurred by high-sounding, soul-stirring phrases about freedom and independence. The rights of the people, the people who had fought a long and terrible war for justice, were ignored and held in contempt. The rights of property were paramount now as they had been before. A new aristocracy was arising to take the place of the old and discredited one. Shays' Rebellion was one attempt to prevent it.

Would there be others? If so, where was the power to prevent them, to stop them if they could not be prevented? If they were to be stopped, if there was to be a rule of law and not of anarchy, a strong central government was necessary, a strong legislative, executive and judicial process that made the law and had the adequate power to enforce it.

In Massachusetts, it was true, Shays had been put down, though not the beliefs which had inflamed his adherents, the creed "that the property of the United States has been protected from the confiscation of Britain by the joint exertions of all, and therefore ought to be the common property of all."

Such ideas were unheard of. They were the ideas of people with nothing to lose and everything to gain from revolution—perhaps a new revolution; this time against other Americans instead of Englishmen. Men of wealth believed that when property

was attacked, civilization itself was in jeopardy. General Knox was one of those who believed it. He wrote to Washington that "the men of property and the men of station and principle are determined to establish and protect" themselves against such ideas as those which had led to Shays' Rebellion. Washington, himself a man of property and station, sympathized with Knox, though Jefferson was of a different mind. "God forbid," he said, "that we should ever be twenty years without a rebellion. . . . What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

The Constitutional Convention at Philadelphia would attempt to solve this and other problems, too, but without the aid of Patrick Henry, who refused to attend. James Madison, distressed by Patrick Henry's refusal, gave Washington the bad news.

"I hear from Richmond with much concern," he wrote, "that Mr. Henry has positively declined his mission to Philadelphia. Besides the loss of his services on that theatre, there is danger, I fear, that this step has proceeded from a wish to leave his conduct unfettered on another theatre, where the result of the convention will receive its destiny from his omnipotence." And he wrote to Jefferson, in France, to the same effect, as well as to Governor Randolph.

Patrick Henry was not omnipotent—yet he would richly justify the fears of Madison.

[4]

When the Constitutional Conventional opened on May 25, 1787, twelve of the thirteen States were represented. Only Rhode Island was missing.

Another miracle had been performed. It was as great as, if not greater than those previous miracles—the Continental Congress, the Declaration of Independence, the Articles of Confederation.

Most of the delegates felt that the separate states would remain independent of each other, regardless of what the convention might do. Refusing to harbor any illusions as to the ultimate outcome, Patrick Henry was not among them. As the others sweated through the sultry summer months to fashion a constitution that would be acceptable to all the states, he was biding his time until their labors should be completed—until the instrument should be presented for ratification. Until then, he would take care of his own affairs and practice his profession to pay off his debts.

Now fifty years old, he had no desire or energy for an extensive practice. To ride the long circuit and prepare for long argument were exhausting work for one whose stamina had been sapped by illness and by years of unremitting toil. By carefully choosing his cases, by charging fees commensurate with his abilities and experience, by husbanding his strength, he might earn enough to permit his retirement before it was too late.

In the conduct of his cases, as in the conduct of his lands, he was determined to extract what was due him. If he tried a criminal case he used all the artifices of the lawyer to acquit his client. His forensic craftsmanship, the wonder of his fellow-lawyers, not only paid off his debts but also won him a modest fortune. No breath of scandal ever touched him; no charge of improper methods was ever made against him. Only Jefferson, in his old age, and long after the event, found fault with him. From the lumber room of half-forgotten memories, he recalled, if dimly, that his erstwhile friend had charged excessive fees.

Patrick Henry was perhaps the foremost lawyer of his time in Virginia. As the man who had been a leader in the Revolution he was retained to defend suits still being filed for provisions taken by the army and not yet paid for. One of them was brought by John Hook against John Venable, a commissary of the Continental Army. Venable, it appeared, had seized two of Hook's steers when American soldiers were starving during the invasion of Virginia by Cornwallis. Hook, a Tory, wanted his money.

Legally, he was entitled to it. But a strict interpretation of the law was one thing—the justice of the claim was quite another. Patrick Henry had little difficulty persuading everybody—the court, the jury, the people of Virginia—that it was not a just claim. As he pointed out, while famished men were fighting for liberty; while liberty itself hung in the balance, one man was interested in his own private, selfish purposes, desiring not liberty but—“beef! beef! beef!” So effective was his plea that Hook, in addition to losing his case, barely escaped being tarred and feathered.

The tricks employed by lawyers are the tricks of their trade. The sudden twist, the unexpected diversion, the quick gesture, the swift passion, the slow but calculated effects—they are a part of the psychological technique to achieve mastery over the minds and emotions of those who sit in judgment on their fellows. Patrick Henry was a master in their use.

One of those whom he defended (on a charge of murder) was Richard Randolph, a brother of John. Richard's reputation had been hitherto unblemished. Now he was accused of the murder of a newborn infant of which he was the reputed father. It seemed improbable that he could be saved by his imposing array of counsel—Alexander Campbell, John Marshall and Patrick Henry. Patrick Henry, the most experienced lawyer as well as the best actor of the lot, was in charge of the defense.

The chief witness against Randolph was a daughter of Archibald Cary, the man who had once threatened the murder of Patrick Henry. She was a dangerous witness, the kind of witness a smart lawyer must break down if the case itself was to be broken. When she testified that she had seen certain things through a crack in the door, Patrick Henry was at her in a moment.

“Which eye did you peep with?” he asked her. As the court and jury waited in expectation of an impossible answer, Patrick Henry paused but an instant, and then waited no longer. Raising his hands in a gesture of supplication he exclaimed: “Great God,

deliver us from eavesdroppers!" It was a scene worthy of the theatre rather than the court. It was, indeed, a play in which he had the leading role, for the prisoner at the bar was all but forgotten until the moment of his acquittal.

Patrick Henry was active, alert, on edge each instant of a trial; one moment composed and almost demure in his severe black clothes, his brown wig, and his spectacles at the tip of his long nose; the next instant speaking, pleading, assailing, with a "voice, intonation, pause, gesture, attitude and indescribable play of countenance," that ran the whole gamut of human feeling. There was a gentle raising of the hand, a silent pointing of the finger, an impatient turning of the wig, the soft, caressing words or the thundering accents. He used them all.

But he could also use the more valid weapons in the arsenal of every good lawyer. Though he had been a stranger to the bar for over thirteen years, he was no stranger to the questions of law, the refinements of interpretations, and the relevance of precedents. His own legislative and executive experiences had kept him abreast of the statutes, and his retentive memory was a storehouse from which he could draw when the need arose for their use and the inclination to use them was spurred by an adequate retainer. Retainers were frequent enough.

Robert Carter, of Loudon County, paid him a handsome fee to defend his title to twelve thousand acres of land. The law was against Carter in this instance, yet Patrick Henry, with his "best cannon in action," succeeded in effecting a compromise that avoided a defeat. In his defense of Barrant, charged with the crime of rape, he did better. The jury was "hung," after an "ingenious defence in which he displayed great eloquence." When he faced a jury in the trial of a young schoolmaster by the name of Holland on the charge of murder, the court at Greenbrier was filled with a fog of hostility that boded ill for the defendant and his lawyer both. It was no secret that "the prejudices there" were so acute, that "even Patrick Henry need not come to defend Holland unless he brought a jury with him."

For fourteen hours Patrick Henry labored to remove those prejudices. At his own table he seated the old parents of the man who was sure to be convicted, while he pleaded with the jury to look at them well, and asked them "what must be the feelings of this venerable pair at this awful moment, and what the consequences to them of a mistaken verdict affecting the life of their son." When, to offset the effect of two aged parents weeping, the state placed the bloody clothes of the victim where they could be seen by the jury, "Mr. Henry . . . applied most forcibly and pathetically Anthony's remarks on Caesar's wounds; on those dumb mouths which would raise the stones of Rome to mutiny." Before he was through, the trial had metamorphosed from one of a charge of murder against Holland to a trial for murder by the jury itself. "He caused the jury to lose sight of the murder they were trying, and weep with old Holland and his wife." And all "this was done in a manner so solemn and touching, and a tone so irresistible, that it was impossible for the stoutest heart not to take sides with the criminal." A short while after the jury retired, they returned with their verdict—not guilty.

In another murder trial in Jonesboro, where the evidence quite clearly pointed to the guilt of the defendant, the day had passed with a mounting pile of testimony under which it appeared that the State had buried him. It was dusk, and candles were brought in as Patrick Henry arose to address the jury. His manner was "plain, simple and entirely unassuming." Everybody had been tired by the lengthy business of examination and cross-examination; the jury was anxious to turn in their verdict and go home. No one doubted the outcome, since "the general whisper through a crowded court house was that the man was guilty and could not be saved." But Patrick Henry was not ready to give up. "I shall aim at brevity," he told the impatient men in the box. "But should I take up more of your time than you expect, I hope you will hear me with patience, when you consider that *blood is concerned*." The manner in which he uttered these words, "the force of expression which he gave to those few words" changed

the atmosphere of the courtroom entirely. Tedium gave way to interest, and as he proceeded, interest was replaced with tension, so that everyone there was ready to hear him out "until the rising of tomorrow's sun." Did the prisoner at the bar shoot the victim and kill him? No one disputed the fact. But he had done so in self-defense when the other had threatened with a gun of his own. Was a threat enough to justify murder? "You have been told, gentlemen, that the prisoner was bound by every obligation to avoid the supposed necessity of firing, by leaping behind a house near which he stood at that moment. Had he been attacked with a club, or with stones, the argument would have been unanswerable, and I should feel myself compelled to give up the defense in despair. But surely I need not tell you, gentlemen, how wide is the difference between sticks or stones, and double-triggered *loaded rifles cocked at your breast.*"

In the deep-shadowed courtroom only the sputtering candles, which cast an eerie light on the scene, scratched the silence that followed the speech of Patrick Henry. The "vivid feeling of his cause with which he spoke" had been communicated "to the breast of the hearers." The perfection of the lawyer's, the actor's art lay in this power to inflame the feelings of others. The prisoner was acquitted.

[5]

The Constitutional Convention ("an assembly of demi-gods," Jefferson called it) that had gathered at Philadelphia for the opening session on May 25, 1787, with George Washington in the Chair, revolved around one basic problem. The issue, no new one, but which must now be settled once and for all, was the pre-eminence of the whole over any of its parts. It was as simple that, however involved in complexities. Was the state sovereign or was it subordinate? Was the Union supreme or was it subject to the states? Were there thirteen nations or was there one nation? Were the people the masters or was the master to be

curbed and hobbled? Was democracy tenable, the rights of men durable, or were there rights as sacred as theirs, perhaps more sacred, because more durable? Which conduced more to civilization, human rights or the rights of property? They were questions that flowed from the one great question of Nation versus State.

The sessions of the Convention were secret. No official reports were made during the four months of debate. What we know has been garnered from the notes made by James Madison of Virginia and Robert Yates of New York. A few others jotted down some fugitive memoranda, while the Official Journal contained some pertinent entries. From these documents emerges a picture which is sufficiently clear for an understanding of the trials and errors of the delegates, who worked hard to weld a nation out of a federation. It was a new venture upon which these men had embarked, and to their task they had brought their confused experiences in government, their personal interests in business, and their protean preconceptions based on what they believed and on what they possessed. None of them represented the farmer or the mechanic, and more than half of them had invested or speculated in the public securities the value of which depended upon the adoption of the Constitution.

On one thing they agreed. Not without some hesitation, they believed that a republican form of government was best. Hamilton had his doubts. For him a monarchy seemed the only sufficient source of strength to combat the diverse and disintegrating elements in the state. Yet Mason's logic was not easily refuted. "Notwithstanding the oppression and injustice experienced among us from democracy," he said, "the genius of the people is in favor of it, and the genius of the people must be consulted."

Other delegates sided with Hamilton in his distrust of the people, who were moved too often by passion, not by reason; who frequently mistook injustice for justice and duties for rights. They were incalculable; they were unreasonable; they were uncontrollable. And they had to be controlled. In a republic

they must be controlled by a series of cunningly devised checks and balances.

The structure of the country was trembling because its very basis—the solid, tangible wealth of the land—was endangered by people with small sense of its rights and prerogatives. Society was not based on human rights, but on property rights—the income from industry and realty that men had amassed for themselves and their posterity. The Declaration of Independence had indeed stated that all men are born free and equal (except Negroes and Indians), but liberty must not degenerate into license, nor equality into presumption. Not only the present, but the future welfare of the country demanded recognition of the importance of a growing, expanding economy.

James Madison made it clear enough to the assembled delegates. "The landed interest," he said, "at present is prevalent, but in process of time . . . when the number of landholders shall be comparatively small . . . will not the landed interests be overbalanced in future elections? And, unless provided against, what will become of our government? In England, at this day, if elections were open to all classes of people, the property of landed proprietors would be insecure. . . . If these observations are just, our government ought to secure the permanent interests of the country against innovation. Landholders ought to have a share in the government, to support these valuable interests, and to balance and check the other. They ought to be so constituted as to protect the minority of the opulent against the majority."

Vox populi, vox Dei? Roger Sherman of Connecticut did not believe it. On the contrary, he thought that the people should have as little to do with government as possible, while Elbridge Gerry of Massachusetts asserted that "the evils we experience flow from the excess of democracy."

Hamilton confessed himself puzzled. "I am at a loss to know what must be done," he said. "I despair that a republican form of government can remove the difficulties. Whatever may be my opinion, I would hold it, however, unwise to change that form of

government. . . . All governments divide themselves into the few and the many. The first are the rich and the well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact."

Benjamin Franklin, on the other hand, deplored any attempt to limit the full suffrage of the people. The delegates, themselves elected by the people, had no right to whittle down the privileges of their constituents.

Day after day the debate went on. Proposals were carefully, cautiously, competently taken apart, scrutinized, built up or watered down, accepted or rejected. Delegates were determined to build a successful constitution, for they knew that otherwise the Revolution was in vain. Mason was not alone in declaring that he would "bury his bones in Philadelphia sooner than expose his country to a dissolution of the Convention without anything being done."

On September 17, however, the document was finished and signed by all but sixteen of the members present. George Mason, peculiarly enough, was one of those who refused to sign. He said that he would "sooner chop off his right hand than put it to the Constitution as it then stood." Franklin signed it, but with many mental reservations. With all its faults he was astonished "to find this system approaching so near to perfection. . . . The opinions I have had of its errors I sacrifice to the public good." Many others agreed with Franklin that it was not a perfect instrument. It was a composite document of compromise and agreements.

In the main the Constitution was the work of Madison, one of the best-informed minds in the country, as well as one of the most conservative. His was the leadership that fashioned and finished it. Thirty-nine delegates signed it in the belief that their task had been fruitful and worthy.

There were few of the old revolutionary radicals among them. Jefferson was not there—he was in Paris. Samuel Adams was not there—he was in Boston. Thomas Paine was not there—he was in

Europe, preparing to take part in a new revolution. Patrick Henry was not there. He was in Virginia, trying his cases, making more money than he had ever made before, and studying with mounting impatience a copy of the Constitution which George Washington had sent him.

[6]

"I have to lament," Patrick Henry wrote Washington on October 19, 1787, "that I cannot bring my mind to accord with [the proposed Constitution]. The concern I feel on this account is really greater than I am able to express. Perhaps mature reflections may furnish me with reasons to change my present sentiments into a conformity with the opinions of those personages for whom I have the greatest reverence."

Just as he had not hesitated to question his friend Thomas Jefferson when his sense of duty commanded it, so now he did not falter to question the man for whom he had the "greatest reverence." As the leader of the Virginia Assembly, he would fight against ratification, but he would not oppose the calling of a convention to consider it. Indeed, he maintained that the House had no power to do so. Only a body especially chosen and convened for that purpose would have the mandate to consider, accept, or reject the instrument proposed by the Philadelphia Convention.

Patrick Henry wanted the whole matter thrashed out in the open, before the eyes and the ears of the people. His own position was already known. Before the ratifying convention was even held, he made enemies for the Constitution of which he condemned almost every paragraph. Madison, anxious for his brain-child, was afraid of the results of Patrick Henry's opposition. As he informed Jefferson, "Mr. Henry is the greatest adversary who will render the event precarious. He is, I find, with his usual address, working up every possible interest into a spirit of opposition." And on February 19, 1788 he advised him again

that the "temper of Virginia, so far as I can learn, has undergone but little change of late. At first there was an enthusiasm for the Constitution. The tide next took a sudden and strong turn in the opposite direction. The influence of Mr. Henry, Colonel Mason, and some others, will account for this."

Jefferson, far from the scene of the struggle, was also critical of the Constitution. From Paris he made known his objections in letters to Edward Carrington, to John Adams, and to Madison himself. Jefferson, who could not be suspected of playing politics, wanted the Constitution changed in many respects. The power of the states in matters "purely domestic" must be preserved. The office of the President must be made less powerful than the Constitution now provided. Where were the guarantees of a free press and those other liberties included in the Virginia Bill of Rights? The new Constitution, moreover, "could have been couched in three or four new articles added to the old articles of confederation."

Samuel Adams, hesitant and wavering, wanted to be sure amendments could be made before he would accept the Constitution, though he would, if necessary, take it without this assurance, and against his better judgment, ruefully admitting that "As I enter the building [of the Massachusetts ratifying Convention] I stumble on the threshold." Adams would be won over, but what of Jefferson, whose words carried such weight in Virginia?

Madison wrote to Jefferson again. This time he said, "Mr. Henry is supposed to aim at disunion." Edward Carrington, to emphasize the danger, also wrote him. "Mr. Henry," he said, "does not openly declare for a dismemberment of the Union, but his arguments in support of his opposition to the Constitution go directly to that issue." Letters flew back and forth, between the old world and the new, as Patrick Henry prepared for the final test of strength. Washington, seeing his old friend and ally set on a path that might defeat the Constitution and frustrate the labors of many years, wrote to Lafayette a long, sad letter, whose

burden was that "Henry and Mason are its greatest adversaries." And the Reverend John Blair Smith, President of Hampden-Sydney College, with bitterness rather than sorrow, asserted that Patrick Henry had "descended to lower artifices and management" in his opposition, than he had thought possible. "It grieves me," he added, "to see such great natural talents abused to such purposes."

The purposes of Patrick Henry became clear and unmistakable when the convention finally assembled in Richmond on June 2, 1788. He knew that he would have a more difficult time convincing his fellow-delegates than he had ever had in any other contest. Already eight states had ratified, while the others, still undecided, were waiting to see what Virginia would do. Only one more state needed to give its approval and the Constitution would be an accomplished fact. If Virginia agreed, the fight was over.

The capitol was not large enough to hold the crowd that came to hear the debate. The convention had to be moved to the New Academy on Shockoe Hill, the greatest meeting hall in the city. The one hundred and seventy delegates had been carefully selected. The best, perhaps the wisest, men of Virginia were there—all but Washington and Jefferson and Richard Henry Lee. The opposing sides were not clearly aligned as conservatives or radicals; some of each were in both camps. The leading proponents were Edmund Pendleton and John Marshall, George Wythe and "Dragoon Harry" Lee, commanded by the redoubtable James Madison. Arraigned against them were George Mason and William Grayson, James Monroe and John Dawson. John Taylor, a former protégé of Pendleton's, now was in opposition to his master. Their general, in the forefront of the battle, was Patrick Henry.

He arrived at the New Academy in his dust-covered, topless stick-gig, slouched over in his seat as if he were ill with fatigue. His clothes, woven on his own loom, were dirty and dishevelled from the long ride. He hardly looked like the man who had once

moved a state and a nation with the flaming challenge, "We Must Fight!"

Alexander Hamilton, James Madison and John Jay were prepared to meet his new challenge. They were leaving no stone unturned to refute and to defeat the man who opposed the Constitution. While he relentlessly poured his shots of rhetoric and reason into the Federalist ranks, they built new fortifications and emplacements, gun by gun, brick by brick. They bombarded the press with letters. They flooded the country with pamphlets, newspapers, speeches, debates. These men were in deadly earnest.

One man, apparently above the battle, was nevertheless a potent factor in its outcome. In no uncertain terms, Washington had voiced his opinions in a widely publicized letter to Charles Carter. Ratification must be won, he said. "There is no alternative between the adoption of the Constitution and anarchy. . . . The Constitution or disunion is before us."

Though the poorer classes in general were against it, the election had gone heavily *for* the Constitution. Men of wealth and influence, men of decidedly conservative, even Tory, convictions, had been sent to the Convention. They seemed to hold the balance of power on the division that was about to be made. Patrick Henry knew it—as he pointed out in a letter to John Lamb a week after the Convention had opened. "The friends and seekers of power have, with their usual subtilty, wriggled themselves into the choice of the people, by assuming shapes as various as the faces of the men they address on such occasions." Colonel Grayson also knew it, for he also said: "Our affairs in the Convention are suspended by a hair."

For Patrick Henry, the affairs of the whole country were suspended by a hair. Not his own ambitions, nor his own affairs, seemed to him in the balance. He may have been shortsighted and narrow in his outlook for the future of America; that political considerations touching on his own leadership in Virginia may have colored his thoughts and spurred his actions is doubtless also true. That he profoundly believed in a present danger to the

sovereignty of Virginia is undeniable. And it is equally certain that he was moved by motives transcending all of these in his fight against the Constitution. He believed that the Constitution was neither good, safe, nor honest. Let Washington proclaim that a "Constitutional door is open for amendments in a peaceable manner, without tumult or disorder." Were amendments necessary? There seemed little doubt about it. Then why not make them unnecessary; why not correct the faults in the instrument itself without waiting to pry open the "Constitutional door." Open the door at once!

That was the question Patrick Henry wanted settled before ratification. He wanted reliable safeguards against the possible abuse of power that seemed at present to undermine the Constitution.

The other side wanted immediate ratification, without change, without addition or deletion. Washington had given a cogent reason for his opposition to prior amendment, which would require another convention and another prolonged and perhaps inconclusive debate. "If another federal convention is attempted," he said, "the members will be more discordant than ever." Edmund Randolph believed that an attempt to amend the Constitution before ratification would mean "inevitable ruin to the Union;" though he had at first refused to accept the Constitution, now he would rather strike his arm off than allow any impediment to its immediate passage. The reasoning of the Federalists was sound; their position adamant. The Constitution, to be effective, to serve the purpose of a great and pressing need, must be passed without amendments. Take it or leave it—that was the challenge.

Patrick Henry refused to take it.

[7]

Nobody worked harder in that Convention than Patrick Henry. Some days he made three speeches; some days he made five. One

day he spoke eight times, once he held the floor for seven consecutive hours. During the twenty-three days of the session no one was more active, none more serious or resolved. He made his position clear for all to understand.

"I consider myself as the servant of the people of this Commonwealth, as a sentinel over their rights, liberty, and happiness. If a wrong step be made now, the Republic may be lost forever. If this new government will not come up to the expectations of the people, and they shall be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg you gentlemen to consider, that a wrong step made now will plunge us into misery, and our Republic will be lost. . . . I see no landmark to guide us. We are running we know not whither. . . . The Federal Convention ought to have amended the old system—for this purpose they were solely delegated."

That was his premise. He proceeded to amplify it.

"I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England—a compact between prince and people, with checks on the former to secure the liberty of the latter?"

Patrick Henry was afraid of the preamble to the Constitution which began with "We, the people." It meant for him a complete change in the conception of the Union. It had been a confederation of States, each one sovereign, each one practically supreme in itself. This new wording had for its purpose and intent the supremacy of a national government, a purpose that was contrary to the authority granted to the framers of the Constitution, and an intent that was beyond any implications contained in the call for its establishment. To Patrick Henry these appeared to be matters of the first importance.

"Here is a revolution as radical as that which separated us from Great Britain.

"The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human

rights and privileges, are rendered insecure, if not lost, by this change, so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of free-men? . . .

"You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured, for liberty ought to be the direct end of your government. . . .

"Is it necessary for your liberty that you should abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury and the liberty of the press necessary for your liberty? Will the abandonment of our most sacred rights tend to the security of your liberty? Liberty, the greatest of all earthly blessings—give us that precious jewel, and you may take everything else!"

Here were the elemental rights of man, rights which the Constitution had forgotten to mention, and which Patrick Henry refused to forget.

"Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force you are inevitably ruined."

Was the Confederation so ill-conceived, so ill-advised, that it must be discarded?

"It carried us through a long and dangerous war; it rendered us victorious in that bloody conflict with a powerful nation; it has secured us a territory greater than any European monarch possesses.

"Take longer time in reckoning things; revolutions like this have happened in almost every country of Europe; similar examples are to be found in Ancient Greece and Ancient Rome—instances of the people losing their liberty by their own carelessness and the ambitions of the few."

He next pointed out the inconclusiveness of the new provisions for the election of representatives, the ambiguity of the wording,

the possibility of twisting their meaning and perverting their intent.

"A Constitution, Sir, ought to be like a beacon, held up to the public eye, so as to be understood by every man." If anything be well meant it can also be well said.

"I shall be told I am continuously afraid: but, Sir, I have strong cause for apprehension. . . . The way to amend is, in my conception, shut." Did the others say that an easy, plain method of amendment was provided for in the Constitution? "Let us consider this plain, easy way."

He considered it at great length. The plain, easy way was at best a cumbrous, tortuous method. At worst, it could easily be defeated, for one-third "of the smallest States, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments. . . . One-twentieth part of the American people may prevent the removal of the most obnoxious grievances and oppression, by refusing to accede to amendments. . . . Is this an easy mode of securing the public liberty? . . . Is this the spirit of republicanism?"

"What, Sir, is the genius of Democracy? Let me read that clause of the Bill of Rights of Virginia which relates to this."

He read it—and then summed it up as establishing "that a majority of the community have a right to alter their government when found to be oppressive."

But what if an amendment be defeated by a small minority? What recourse, then, did the people have to right a wrong, undo an injustice? By arms?

Under the Constitution "the Militia is given up to Congress. . . . They may or may not furnish them. . . . There will be no checks, no real balances, in this government. What can avail your specious, imaginary balances, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances." And he added: "We have parted with the purse, and now we are required to part with the sword."

With a logic that was sometimes to the point, sometimes beside the point, he attacked the Constitution in all its parts.

"This Constitution is said to have beautiful features; but when I come to examine these features, Sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting. It squints towards monarchy.

"Your President may easily become King. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority."

Minorities themselves might also be victimized under the Constitution. The right of jury trial was neither clear nor concise. Who would constitute the jury? Would it be a jury of one's peers? The Constitution did not specify. "If previous amendments are not attained," Henry declared, "the trial by jury is gone." Are there powers, not granted under the Constitution, that would remain with the States? The Constitution did not specify. Without a previous amendment, the powers might be construed as *implied*. The power to free the slaves might be implied.

"Slavery is detested. We feel its fatal effects, we deplore it with all the pity of humanity. Let all these considerations press with full force on the minds of Congress. . . . May they not pronounce all slaves free?

"As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the general government ought to set them free, because a decided majority of the States have not the ties of sympathy or fellow-feeling for those whose interest would be affected by their emancipation. The majority of Congress is in the North, and the slaves are to the South. In this situation, I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquility gone. I repeat it again, that it would rejoice my very soul that every one of my fellow-beings was emancipated. As we ought with gratitude to admire that decree of Heaven which had numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage. But is it practicable, by any human means, to

liberate them without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we inherited them from our ancestors, as their manumission is incompatible with the felicity of our country. . . .

"This," he concluded, "is a local matter."

No responsible leader opposed to the Constitution had spoken of secession; nor did Patrick Henry. As the debate moved to a close, he made his position clear.

"I mean not to breathe the spirit, nor utter the language, of secession," he said. No one could doubt it, for he was only repeating what he had said before: "The dissolution of the Union," he had exclaimed, "is most abhorrent to my mind. The first thing I have at heart is American liberty; the second is American union."

And it was for these things he had spoken, for these that he had used the argument of the slave as property, the argument of property as a right—not as *the* right—to be secured. All the rights of the Bill of Rights were important, one not excluding the others. To guarantee their security, he wanted the amendments to be made *now*, before ratification, not after it.

As so often before, he had been taunted without mercy during the whole debate. He had been accused of descending to eloquence and prejudice where logic and reason were needed. In the place of "solid argument" he had indulged in flights of fancy. All the tricks of the lawyer, all the arts of the actor, had been used to persuade—not to convince—the people of Virginia, the people of America, that evil would result from ratification and from the exclusion of prior amendments.

Many were persuaded despite the suave logic of James Madison and the brilliant essays of Alexander Hamilton. Madison was not even certain of the result. He was afraid, as he informed the Squire of Mount Vernon, that "The majority will certainly be very small, on whatever side it may finally lie; and I dare not encourage much expectation that it will be on the favorable side."

The burden of the fight against ratification had been Patrick Henry's. In Virginia, he, perhaps more than any other, had been popularly considered a great statesman. It was not, indeed, a valid appraisal. Madison's was a far keener mind than his. Washington's perspective was greater. Henry Lee, representing the landed interests, was more adroit in his use of rapier-like wit and invective. George Nicholas was a finer analyst, a more incisive logician. Edmund Randolph, sharp and brilliant, was often more persuasive. Most of Patrick Henry's opponents were still young men, in the prime of physical and mental vigor. And Pendleton, though old and crippled, was still a redoubtable foe, as he had been from the very first moment he had set eyes on Patrick Henry before the examining board of the Virginia Bar. Many of those who opposed Patrick Henry in this struggle had opposed him in 1765 and in 1775. At each moment of crisis they had contested his leadership and tried to wrest that leadership from him. The positions had become strangely reversed—yet the principles had not been reversed. The economic interests spoken of by Madison in Number 10 of *The Federalist* were the same now as they had been then. And these same interests, which had once been against the Articles of Confederation, were now against the man who opposed the Constitution. The alignment of the leadership was only the alignment of the economic, political, and social interests of Virginia, while the delegates themselves reflected those same interests with little or no knowledge of the instrument they would be called on to vote for or against. Most of them had not even seen it, and few had read it.

Washington was the decisive factor. Colonel Grayson was certain that "were it not for one great character in America, so many men would not be for this government." Washington, in his private capacity, had not been idle during the struggle. He had seen the evils of disunion and wanted a strong central government. Not only Grayson, but many others were disturbed by "the unsolicited obtrusion of his advice."

All doubts were settled when the delegates, eighty-nine to

seventy-nine, ratified the Constitution before learning that it was already the law of the land. New Hampshire had accepted it a few days earlier.

If the Virginia Convention had known this its own action might have been different. A number of delegates might have voted as their constituents expressly directed them to—against ratification. And the true opinion of the people of Virginia might have been registered. For the pioneers, most of the small farmers of the uplands, and the host of debtors to the British—the great majority of the voters of the Old Dominion—were against it.

A minority had been able to prevail. In the whole country, less than ten percent of the white population had affirmed their belief in the Constitution. Of the nearly three million others, five-sixths did not even have a vote. Lacking sufficient property, they lacked this, too.

Bowing to the inevitable, Patrick Henry, in accepting his defeat, made a final statement to the Convention.

"My head, my hand, and my heart shall be at liberty to retrieve the loss of liberty, and remove the defects of that system in a constitutional way.

"I shall therefore patiently wait in expectation of seeing that government changed, so as to be compatible with the safety, liberty, and happiness of the people."

One thing of importance Patrick Henry did accomplish. A committee appointed to prepare the amendments to be recommended to Congress, adopted his Bill of Rights. In time, his other proposed amendments would be accepted substantially as he wanted them and would become a part of the basic law of America.

[8]

The battle for ratification was over. The struggle for amendments had begun. It was a serious struggle for the radicals who

had lost one fight and were determined not to lose this one. The basic rights of the common people of America seemed to them at stake.

Patrick Henry fought for them because he, with only a few others, had considered the Revolution as a war for these rights, as a war to ensure them for posterity, and to prevent their loss or dilution. To amend the Constitution *after* ratification meant a long and tedious process which required first the approval of two-thirds of each house of Congress or a majority of a special convention called by Congress at the request of two-thirds of the States. Nor was that all. In either case, the additional consent of three-fourths of the States was required before an amendment became a part of the Constitution.

The enactment of an amendment was almost a revolution in itself. Patrick Henry's opponents realized that he would not falter in this new undertaking any more than he had in the old. Washington, who knew his man, declared that "Mr. Henry, the great leader of [the minority] would never be reconciled to the Constitution in its present form." And he was "under painful apprehension" about the intentions of the man who was once his friend, who was perhaps still his friend, though he now seemed far from friendly. What worried Washington most of all was the fact "that the edicts of Mr. Henry are enregistered with less opposition in the Virginia Assembly than those of the grand monarch by his parliament. He has only to say, Let this be law, and it is law."

It was true. The Assembly was in a mood to follow him in this fight for amendments with greater dispatch and more unanimity than it had ever followed him before. Whatever the friends of the Constitution might say or do, he would "oppose every measure tending to the organization of the government, unless accompanied with measures for the amendment of the Constitution." He would fight to the last ditch "in a constitutional way."

And the House adopted the resolution which he drafted, calling on Congress for a Convention—the first step in the involved

process of amendment. It was more than a perfunctory demand by the State of Virginia on the Congress of the United States. It was a long and appealing document worthy of the patriot who clung to liberty and refused to release his hold.

"The cause of amendments we consider as a common cause," it began; "and since concessions have been made from political motives which we conceive may endanger the republic, we trust that a commendable zeal will be shown for obtaining those provisions which, experience has taught us, are necessary to secure from danger the unalienable rights of human nature . . . The anxiety with which our countrymen press for the accomplishment of this important end, will ill admit of delay." He demanded immediate action on such amendments "as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind."

At the same time it became necessary to elect two senators for the newly created upper house of the National Legislature. Patrick Henry nominated Richard Henry Lee and William Grayson, specifically naming James Madison as a man who should not be elected. Lee and Grayson were chosen. Madison was defeated, "by Mr. Henry, who is omnipotent in the present legislature."

Omnipotent, too, was his influence in having the Congressional districts relocated for the purpose of defeating the "Father of the Constitution" in his own bailiwick when Madison ran for election to the House of Representatives. It was the first attempt at gerrymandering in America. The question of the justification for using bad means to a good end is an old one in morals and ethics. This much is certain: in order to defeat the man whose talents he believed would be used against the people, Patrick Henry set a precedent that in later years would be used again and again to defeat the will of the people.

In spite of these maneuvers, Madison was elected Representative. But the temper of Patrick Henry, the temper of the people of Virginia, of America itself, would compel Congress, and Madison too, to press the question of amendments.

In this battle his enemies had accused him of a love of power and an equal love of trickery to achieve it. It was partly true, for power, which begins as a mistress, often becomes the master. "The old charges of turbulence and ambition have been plentifully bestowed on me," Patrick Henry answered. But he had "so long been accustomed to despise these attempts, they will have little effect further than to excite pity."

There were scathing and scandalous attacks against him by "Decius" in the *Independent Chronicle* of Richmond. He was called "the cunning and deceitful Cromwell, who, under the guise of amendment, seeks to destroy the Constitution, break up the Confederation, and reign the tyrant of popularity over his own devoted Virginia." His friends knew that it was a malicious slander, and one of them wrote in the same paper a spirited defense of Patrick Henry, calling him "The Father of his Country."

Few of his enemies, however, questioned his motives. Colonel Innes, who had fought him in the Convention, hastened to assure him of his "sentiments of very high respect and esteem." Edmund Randolph, who had been attacked on the floor by Patrick Henry, could write to Madison that "the liberty of the press is indeed a blessing which ought not to be surrendered but with blood; and yet is it not an ill-founded expectation, in those who deserve well of their country, that they should not be assailed by an enemy in disguise, and have their characters deeply wounded?"

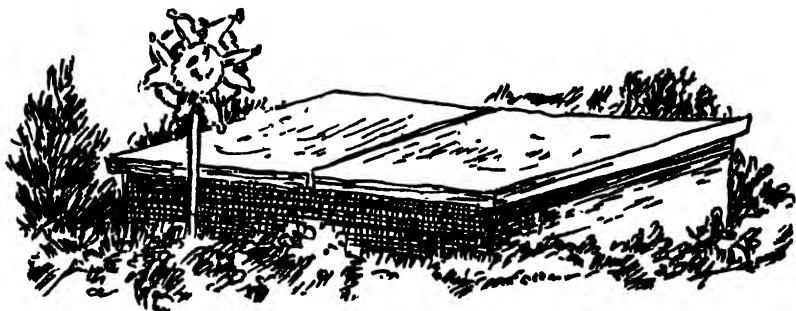
The victim of these attacks paid no attention to them. True, he might also be the victim of violence. If so, he would be prepared with a bamboo walking stick. It looked harmless enough. But at a touch of the hand, the sword concealed in its sheath would fly out, ready for use. If weapons other than words were needed, he was ready to use them.

There was no need. The clamor subsided. The National Government was established, and the state governments conceded its supremacy while voicing their fears for their own prerogatives. Perhaps Patrick Henry had overstressed the importance of states'

rights in his struggle against the Constitution. He might even have been first a Virginian and then an American in spite of what he said or believed. Even Madison admitted "that the first and most natural attachment of the people" would "be to the governments of their respective states."

Now that the fight was finished, Patrick Henry, turning away from slander and conflict, went home to Dolly and the children. Other duties called him. His beloved sister Anne was dying. His clients were calling, and Dolly, still young and fresh, had just given birth to another baby.

PART VIII



One Life—One Country

[I]

THE constitutional struggle had affected not only events but men themselves. The warm friendship between Patrick Henry and George Washington had suffered in that struggle. But Patrick Henry had few doubts about the man who now assumed power as head of the new republic. Washington, a man of unblemished honor and spotless integrity, had stoutly supported the Constitution. He and Patrick Henry were now almost strangers; yet Patrick Henry, as a member of the Electoral College, cast his vote for the former Commander-in-Chief because he believed in him, in his great heart, his cool mind, his honest purpose which might overcome the purposes of others. "All," as Count Moustier, the French Minister, said, "is hushed in the trust of the people in the savior of the country." In that trust, Patrick Henry also joined.

The people of Virginia had lost none of their trust in Patrick

Illustration above: Patrick Henry's grave.

Henry either. When Colonel Grayson, one of the state's Senators, died in 1790, it was to Henry that they looked as his successor. He refused the honor, because, he said, he was too old "to fall into these awkward initiations which are now become fashionable." He was referring to the pomp and circumstance of the levees at the capital, where, according to Jefferson, the Head of State objected to being announced only as "the President of the United States."

At Washington's receptions the utmost formalities and fashions were observed, as befitted the dignity and importance of the Presidency, while the dinners were lavish and sumptuous. Many courses were served, courses of meat and fish, gammon and fowl, pies and puddings, iced creams and jellies, watermelons and muskmelons, fruits, nuts, wines and liquors. Senator Maclay, when he noted all the items in his diary, did not intend them for public scrutiny. But the public learned of them anyway, with some added embellishments to further pique and inflame the interest of the people. They heard that Martha Washington had become furious because her newly painted walls had been stained with dirt. No Federalist would be guilty of such an atrocity. "None but a filthy Democrat" could do such a thing, she said. Patrick Henry felt that this was an alien world in which he could play no role.

There were other matters, equally alien to him, that aroused his bitterness. Congress was already agreeing to the fiscal policies of the Secretary of the Treasury, Alexander Hamilton. The measure before it would make the United States responsible for the debts of the individual states, a project that was still another proof of the unconscionable burdens intended for the common people. Some of the states, notably Virginia, had discharged most of their obligations by the imposition of heavy taxes. Now it was proposed to tax them for the obligations of others less provident than they. A few of the states owed more than half of all the debts incurred during the war.

Many believed that Congress was perpetrating a base injustice, a glaring example of that abuse of power so much feared by Patrick Henry.

Thomas Jefferson, though he had finally approved the Constitution, was now ready to disapprove it again. He, too, had come to suspect the power of a central government that could levy taxes on one state for the debts of another. In the end, he was won over by Hamilton, but only through a compromise that left the burden of taxes where it lay before. In return for his support, Hamilton had agreed to the removal of the national capital from New York to the banks of the Potomac. The South was mollified by a bargain that flattered its sectional pride.

Patrick Henry was not mollified. Neither, after a time, was Jefferson himself, who came to believe that he had been betrayed into a deal that enlisted his support, though he scarcely understood its ramifications and its implications. He was really against the Hamiltonian plans for an all-powerful central government, and he began to understand the objections which Patrick Henry had raised against them. The subsequent feud which developed between Jefferson and Hamilton germinated in this opposition to centralized control, and the repercussions of that conflict were to have far-reaching effects on American history. Even after Hamilton had been dispatched by the fatal bullet of Aaron Burr, it seemed that the feud would still go on, though then it was between a man still living and a man already dead. Jefferson, slow to forgive, never forgave this man. The criticism which he loosed on Hamilton when he could no longer defend himself was scarcely offset by the admissions of his virtues.

Patrick Henry, conducting his fight against the federal assumption of states' debts, found that the influence of Jefferson would carry them through. If a man like Jefferson could agree to such an injustice, then the future for America seemed a dark one. What he had prophesied in the Convention had come to pass, and might come to pass again in the future.

Nevertheless, as he left the legislature at the end of 1790, never to return to public life again, he voiced a more cheerful view in a letter to James Monroe.

"I console myself," he said, "with hoping that the Advocates of Oppression may find the Time when the Measures of iniquity shall give place to just and enlightened Policy. . . . I will be sparing of Complaints against the Government, and find Fault as little as my fixed Habits of thinking will permit."

As he returned to private life at last, his own people took the occasion to show him their respect and admiration. They had already named a county after him. Now they divided Henry County into two parts. One retained his second name. The other was called "Patrick."

[2]

Men become skeptics after repeated disillusion, and cynics after many frustrations. Whatever the Federalists might say, Patrick Henry had labored in the vineyard of liberty. He had rarely feared for the future of the Revolution, though he had often doubted some of its patriots. Now he would leave behind him both the doubts and the fears. Now, finally freed from all other duties, he would apply himself to the one duty that remained—the increase of his personal fortune, to insure the future for his many children.

He gave his remaining strength to his practice, anxious to serve it for a short while before he must quit that too. Well or ill—and he was often ill—he traveled the circuit from one end of the state to the other, persuading juries of the justice of his clients' claims. Usually these claims, either civil or criminal, affected only the private rights of individuals. Occasionally they affected the rights of the people. Of these the most celebrated was the case of the British debts.

The Treaty of 1783 with Great Britain had provided that British subjects could recover all debts due them from American

citizens despite the fact that these had already been paid into the State Treasury under state law during the Revolution. The legal questions involved were unique and difficult. They included problems of a national and international nature, as well as those of purely local importance.

The question basic to all others, however, was quite simple. A man had paid his debt once—as he was required to do by law. Now he was asked to pay it again—by the man to whom it was due and to whom it had never been paid. If the Virginia Act of Sequestration, under which the state had collected the money, was not upheld; if the Virginia Act for Forfeiture was declared invalid; if this suit of William Jones, a British subject, against Thomas Walker, a Virginia citizen, in the Federal Circuit Court at Richmond, was won, the gates would be thrown wide open for a host of similar actions. The results would be disastrous and far-reaching, for the debts owed by Virginia planters to British merchants would have to be paid in specie and they were (according to Jefferson) “twenty or thirty times the amount of all money in circulation in that state.” Furthermore, paper money was worthless, and there was not enough gold and silver even to pay taxes.

It was no wonder that the entire bar of Virginia was interested in the outcome. Interested and concerned also were the people of Virginia, who were not concerned, however, that the state itself, which had collected the money in the first place, might be the logical party to repay it. In other states as well, the case was followed with more than objective study. That Patrick Henry appeared for the defendant, Thomas Walker, heightened the interest in the case. With Patrick Henry as associates were James Innes, Alexander Campbell and John Marshall.

When the trial opened on November 23, 1791, Patrick Henry was ready for the imposing array of counsel on the other side. For many days prior to the opening he had shut himself up in his study located at some distance from the main house. He had denied himself to all visitors, even to his family, with no respite

but for meals, which were brought to him. For the purpose of learning each ramification of the law, each authority and precedent, each fact and figure in the long sequence of events, he had secluded himself, applied himself, and mastered the problems that were new to him. He sent his grandson sixty miles to secure a copy of Vattel's *Law of Nations*. He filled a manuscript volume an inch thick with notes and arguments, most of them committed to memory. Vattel and Grotius he could quote verbatim.

When he arose to present his defense, the crowd that had gathered to hear him was too great for the courtroom. The audience overflowed into corridors and anterooms, onto the portico and the street. The legislature, then in session, found itself with insufficient members for a quorum, because the others were at the court house listening to Patrick Henry. For three days they listened to his clear, careful exposition of the issues in the case, and none were wearied, none relinquished his place. Everybody there maintained "a listening silence" to the final moment of his argument.

At the final moment there were few who did not understand Patrick Henry's contention. The law of nations invalidated contracts between the citizens of belligerent countries. Debts were properly confiscated in a life-and-death struggle. If America had failed to observe its treaty obligations in this regard, Britain had already ignored them in a number of other respects. And the Revolution, which had separated the two countries after a long and terrible war, had wrought losses far greater, in terms of human values, than these in terms of shillings and pounds.

The case dragged on, like all cases, interminably. The mazes of the law, the labyrinths of the argument, were not easily disposed of. Though the precedents were few, justice was still entangled in the net of contradictions. The first session of the Circuit Court was not sufficient to unravel them all, and a second session was necessary. This time, the whole nation was listening to Patrick Henry. He was informed that "your countrymen look up to you as their rock of salvation." It was not until May,

1793, that the last of the tangled net was unraveled, the ultimate knot untied, the final plea heard before the Court presided over by Chief Justice Jay. Justice John Jay knew what to expect of the voice of the Revolution. He confided to his colleague, Judge Iredell, that he was about to hear the greatest of all orators. At the close of Patrick Henry's plea, Judge Iredell was of the same opinion. As he finished, exhausted from the long ordeal, his wig awry, his thin frame sagging as he slumped into his seat, Judge Iredell exclaimed: "Gracious God! He is an orator indeed."

Thomas Jefferson, commenting on the trial, was moved to make a just appraisal of his old friend's work. "I believe," he said, "he never distinguished himself so much as on the question of the British debts in the case of Jones against Walker."

The case was done. Patrick Henry was the victor, for the time being. The case would be appealed to the Supreme Court of the United States. After his retirement from practice it would again be argued, again entangled in the net of the law's circumlocutions. And this time the victory of Patrick Henry would be overruled. The Supreme Court would find that treaty obligations are paramount in law. The man who had opposed the Constitution would be defeated by an instrument set up by that Constitution. The Acts of Virginia, legal when made, were cancelled by the Treaty, and by the Constitution which upheld it.

It was not the first time, nor the last, that Patrick Henry had been disappointed at the vagaries of the new and powerful weapon he had so strongly opposed and whose sharp edges he had so diligently labored to blunt. Even now, when he was no longer in a position officially to challenge it, he was still accounted a potent force in any change that others sought to make. His influence remained undiminished. When Jefferson was considering an amendment to the State Constitution, he wanted, first of all, "to sound Mr. Henry on the subject."

Jefferson was not mistaken in his estimate of Patrick Henry's influence. For him, the power of the man's eloquence was as great, even greater, than when he had first marveled at it, many

years before. Everybody marveled at it still. Andrew Jackson, who had heard of Patrick Henry's reputation, went purposely out of his way to hear him plead before a jury. "No description I had ever heard, no conception I had ever formed, had given me any just idea of the man's powers of eloquence." Jackson appreciated the homely, simple speech of the backwoodsman of Hanover, who was seemingly a spent man, old and stooped and scarcely possessed of the fire that went into his speech. When he was through, he looked as if he might be ill, as indeed he often was. Sometimes he had to discontinue a trial until he recovered. His trials were trials in more than one sense of the word.

At home, events more trying than these had laid even heavier burdens upon him. It was true, as Richard N. Venable disclosed in his diary, that "a weight of worldly concerns rests upon this old man's shoulders. He supports it with strength and fortitude, but nature must sink under the load ere long. His head now blossoms for the grave, his body bends to mingle with its kindred dust."

A beloved grandson, Edmund Fontaine, had recently died. The father, John Fontaine, was buried soon after. Patrick Henry's daughter and her children were added to the already crowded house. Now, a larger house was needed to accommodate all of them. Once again, he must move. The family was transferred to the estate called "Long Island" in Campbell County on the Staunton River, purchased from General Henry Lee.

But still other troubles depressed him. His sister Anne, suffering from tuberculosis, died while on a sea voyage. At sea she had been buried. His son, the bright and promising young Edward, was sick. When it seemed as if the dearly beloved "Neddy" was making a good recovery, he had a turn for the worse. In the fall of 1794 he died.

In the evening of his life, Patrick Henry, gazing with troubled eyes on the scene about him, was distressed by many things. The death of his dear ones was the will of God. But what of the death and desolation that was not the will of God, but the will

of man? What of the vaunted freedom for which he and others had fought so long, which seemed so distant still?

In America, the goal, though distant, could be seen, if only dimly, as in a twilight haze. But elsewhere, in France, where revolution had begun a swift march on the perilous road to liberty, the goal was already lost, not in a haze, but in the dust of ugly passions. The French Revolution had stopped at the foot of the scaffold.

[3]

The terror had been unloosed in France. Events had moved with tragic inevitability in the land that had saved the Revolution in America. Now its own revolution was blazing beyond the control of its friends and foes alike. The monarchy had been destroyed, its pretensions to power, its perversions of power swept away by a long-suffering people. The seeds once planted by Voltaire, by Rousseau, by d'Alembert, by Condorcet, had grown to lovely blossoms which men called Liberty, Fraternity, Equality. They were beautiful but dangerous blooms, secreting an essence that could be deadly as well as healing. The Age of Enlightenment had earned its name because it had sought to teach the meaning, the glory and the pitfalls of these. It seemed that Frenchmen had learned them when the Revolution began. It was certain that they had not learned them by the time it was finished. The Enlightenment of the eighteenth century had collapsed, and men of reason had turned savage.

Thomas Jefferson rejoiced in the efforts of the French to throw off their ancient manacles. On January 3, 1793, he had written to the Minister to Holland, William Short, a letter defending the blood-letting in France.

"The tone of your letters," Jefferson began, "had for some time given me pain, on account of the extreme warmth with which they censured the proceedings of the Jacobins of France. . . . A few of their cordial friends met at their hands the fate

of enemies. But time and truth will rescue and embalm their memories, while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than that it should have failed, I would have seen half the earth desolated; were there but an Adam and Eve left in every country, and left free, it would be better than it is now."

Jefferson was not alone in his sympathies for the cataclysm that was shaking a whole continent and whose reverberations were being felt in his own land. He looked with increasing favor on the democratic societies which had grown like mushrooms in the states. They were actively engaged in supporting the revolutionists abroad. Some of them even acted like revolutionists at home. In Pennsylvania, for example, there was an uprising by citizens who refused to pay the new imposts on distilled liquor; an uprising which President Washington put down by force. The issue seemed a larger one than whisky, a deeper one than taxes.

The whole policy of the Federalists, of Washington and Hamilton as their leaders, was in issue. It was Jefferson himself who felt most keenly that underlying the policy of the Administration was a profound hatred for the French Revolution and an unseemly friendship for the British government which was now openly at war with France.

It was a time of great heart-searching in America. Americans had overthrown the tyranny of Britain, and they had only succeeded in doing so with the help of France. Now America was taking the side of its former foe to destroy its savior. In the struggle that was being so bitterly waged by Frenchmen against their enemies at home and abroad, the United States had decided to remain neutral. Edmond Genêt, sent over by France to America as its Minister, was more zealous than tactful. The

administration was annoyed by his attempts to put pressure on it by appealing to the people and finally Washington felt compelled to put an end to his mission. Many were shocked by what they considered a callous disregard of an honorable and pressing obligation. Others believed that caution was the better part of honor. The French Revolution, with words instead of guns, was also being fought in America.

Patrick Henry, the rebel and revolutionist, was in sympathy with the rebels and revolutionists of France. But he was distressed by what he considered their bloody excesses. Neither age nor wealth had affected his love of liberty, though liberty itself had enlarged its meaning for him. He was repelled by the senseless, endless, heartless, destruction of human values without which liberty would become a mockery and freedom an enslavement. Not all who cried "Liberty" were libertarians, not all who professed freedom loved it. Even more they loved themselves, their own prejudices, their own ideas of freedom. The shedding of blood was necessary—had he not himself said so?—but not the frenzy of blood-lust. "We must fight," were his own words—but he had never said "We must slaughter."

He was still the Republican, still a democrat. Yet he now believed that even a Federalist could have the purpose of liberty at heart while promoting laws that seemed to infringe it. Whatever the conditions of France, in America those conditions must be avoided. He had prophesied some evil times for America—but he had hoped they might never come. Let the people be vigilant—but let them also be responsible.

Washington seemed responsible. He refused to embroil his own country in the blood-lust of another. Washington was no foe of liberty because he would not confuse liberty with license. Nor would Thomas Paine confuse it. He was still the staunch democrat who had just written his "Rights of Man" in England, a book that sought to combat the reflections of Burke on the upheaval in France. In many essentials the "Rights of Man" were the "natural rights" of which Patrick Henry had spoken at the

very outset of the American Revolution. They were still taboo in England—and Paine had been compelled to flee to France to avoid arrest for treason. In Paris he was welcomed with open arms, and then threatened with the guillotine. When he, too, opposed the Terror, he was promptly imprisoned, and only after much difficulty was he finally released. Like Patrick Henry, he deplored the excesses of the Jacobins. Like Patrick Henry, he feared excesses that destroyed without building.

Patrick Henry was unwilling to see his own country undermined by foreign entanglements. Despite his disagreements with the Government, it had been established after many trials and errors, not lightly to be forgotten or complacently ignored. His sympathies were still with those who saw many dangers in the Constitution and against those who, like Hamilton, still seemed to squint at Monarchy. Yet he would give no aid or comfort to anyone who might sap the tender strength of the country or weaken the fragile struts of authority. Unity had been won—and Patrick Henry believed that Washington was its best exemplar.

Jefferson felt otherwise. In his feud with Hamilton he appointed the impoverished poet of the revolution, Philip Freneau, to edit the *National Gazette*, a new paper which had for its purpose the incitement of the people against the whole administration of Washington. Freneau spared no one. His diatribes against the Federalists, against Hamilton especially, and their mouthpiece, John Fenno, cut deeply. Some of his attacks were justified. The Federalists did espouse some measures that had more of a monarchial than a democratic content. It was perhaps true, as Jefferson said, that Freneau "saved our Constitution, which was fast galloping into Monarchy." And it was barely possible, as Washington said, that Freneau was only a "rascal."

As the pot of politics boiled and bubbled, Patrick Henry looked on, and was saddened by the new turmoil in his country. He was no longer the fiery radical of his earlier days. He felt a greater need for the peace and quiet of the countryside. He had

settled finally at an estate not far from "Long Island," the last of his many migrations. At "Red Hill," in Charlotte County, he was perched high on a ridge that was close to the junction of Falling River and Staunton; beneath him the valley spread for miles in fertile fields and in gently sloping hills. The Blue Ridge Mountains, lofty and serene, shut out the world of tumult, and the peaks of Otter, thrusting to the sky, stood guard against the turmoil of the times.

Yet he could not shut out the tumult or the turmoil entirely. Washington wanted him back again. He was far from sure of Patrick Henry's position on the issues which had split the country. But he needed him, as he wrote to Henry Lee, the Governor of Virginia; he hoped that he could win his support in calming the disputes between the hostile camps, and in solving some of the problems that had caused them.

The disputes, the problems, were too profound, too basic, to be easily resolved. And Patrick Henry was too tired, too old, too exhausted, to attempt it. When Governor Lee appointed him to the United States Senate, the appointment was readily approved by the Council of Virginia. But Patrick Henry refused to accept. "I want words," he said, "to express my gratitude for the favorable sentiments you are pleased to entertain for me; and I have only to regret the want of ability for those exertions which the arduous situation of affairs calls for. In my retirement I shall not cease to pray for the prosperity of our united country."

Washington tried again. He offered to send him on a mission to Spain, to arrange for free navigation of the Mississippi, a project which Patrick Henry had championed and for which he had once endangered the unity of the country. He declined. "The importance of the negotiations," he replied, "and its probable length in a country so distant, are difficulties not easy to reconcile to one at my time of life."

Jefferson, the Secretary of State, brought into Washington's cabinet as a countervailing influence to Hamilton, had resigned. He was the leader of the Republican party—and he, also, wanted

to enlist the influence of Patrick Henry in the struggle between the factions. Through the efforts of a mutual friend, Archibald Stuart, he sought a reconciliation with the man who had pressed charges against him in the Virginia Assembly. "With respect to the gentleman," he wrote Stuart, "satisfy him, if you please, that there is no remains of disagreeable sentiment towards him on my part. I was once sincerely affectioned towards him, and it accords with my philosophy to encourage the tranquillizing passions."

Patrick Henry remained deaf to the siren songs of both parties. The quarrels between the Hamilton and Jefferson factions concerned him deeply, but in both of them there had developed such attitudes as were profoundly distasteful to him. Never had he descended to personalities. He had never charged disloyalty to those who had labored for the Revolution, as Hamilton charged Jefferson, nor corruption to those who disagreed with him, as Jefferson charged Hamilton, or treachery, as Thomas Paine charged Washington. "As to you, Sir," Paine wrote from Paris, "*treacherous in private friendship and a hypocrite in public life, the world will be puzzled to decide whether you are an apostate or an imposter, whether you have abandoned good principles, or whether you ever had any.*"^a

Despite his disagreements with Washington, Patrick Henry could not countenance anything like this. It was true that neither could he accept any of the honors which Washington offered him. But his reasons for refusing had nothing to do with the character or honesty of the President of the United States. He believed in these implicitly.

He refused an appointment as Chief Justice of the Supreme Court, though the salary was "excellent and the honor very great." He refused to become the Secretary of State, though Washington wrote him that "a crisis is approaching that must,

^a Paine may have been bitter at Washington for the latter's failure to intervene with the French government for his release from prison.

if it cannot be arrested, soon decide whether order and good government shall be preserved, or anarchy and confusion ensue."

Patrick Henry was moved by the President's fears. They disturbed him. Yet he could not help. "To disobey the call of my country into service," he replied, "when her venerable Chief makes the demand of it, must be a crime, unless the most substantial reasons justify declining it."

He had substantial reasons. He enumerated them to the "Chief." There were eight children "by my present marriage"; Dolly was ill; he had suffered a bad loss of crops, "and consequent derangement of my finances." Most important of all, "my own health and strength I believe unequal to the dutys of the Station you are pleased to offer me." Then he hastened to assure Washington that "if my country is destined in my day to encounter the horrors of anarchy, every power of mind or body which I possess will be exerted in support of the government under which I live, and which has been fairly sanctioned by my countrymen." He had almost lived his span of time. He was nearly sixty, not old for others, but old, too old for him. Spent and ill, he had but a few years left. He would spend them high up in his hilltop home, contemplating the changing aspects of nature, his first love and his last.

[4]

Much of Patrick Henry's leisure was now devoted to a wider reading of those books he had scarcely had the time or inclination to read before. Through the years he had acquired copies of Grotius and Bacon, Horace and Juvenal, Homer and Ovid, the speeches of Demosthenes and the poems of Pope, books of history, mathematics, chemistry and geography, and volumes on ancient Greece and modern France. The story of antiquity and the story of his own times he read with care; he was particularly absorbed by the history of his own country. As he grew older,

other works engaged his attention more than ever before. Blair's Sermons, Art's *Treasury of Religion* and *Discourses on Religion*, Christian Consolation and Creden's *Concordance*, Tillotson's Sermons and Watts' Hymns—these, and others like them, he read by himself, or to his family as they gathered about him of a Sabbath evening.

He liked to have them join in the singing of hymns as he played the accompaniment on his violin, enjoying for the first time some of the homely pleasures he had so long been denied and so often craved. Dolly was still providing another baby each year, and there were many grandchildren in addition, the families of his daughters who had been widowed and were now living at Red Hill, where there was room for all of them and enough slaves to tend them.

There were the black bucks Jesse and John, Peter and Bobb, Tom and Cato, Daniel and Isaac, Cager and Reubin. There were the black girls Peggy and Dafney, Milley and Critty, Alice, a young wench, and Dinah, an old woman. The older slaves also helped—Shadrock and Nancy, Pleasant and Tim, Harrison and Coleman, though there were some children who were too young to help. In an inventory of Patrick Henry's estate they all amounted to a tidy sum, greater by far than the worth of the bays and the sorrels, the mares and the fillies, the cattle, the hogs and the sheep.

After a restless life, he was resting, looking after his plantation, in rare moments seeking the solitude of the streams or the silence of the forests. More often he would set about the business of arranging his affairs against the time when he would no longer be there to look after them. He was "getting things ready for the children," he said. Sons were to be provided with farms, daughters with dowries.

It took a good deal of arranging to provide for them all, but he had been a good trader and at times perhaps also a shrewd one. Land speculation was widespread in the county. The Vandalia, Ohio, Loyal, Mississippi and Henderson Companies were all active

in speculations involving great tracts, and their shareholders included many famous men who were gambling on the future of America. But they were also men who had given abundantly to make that future a bright one. No odium attached to their speculations, though these were often advanced by their public position. Patrick Henry was perhaps as active as any, but he was aware of the ethical implications when the public domain was at stake.

Many years later, Jefferson stated that Henry had been involved in the Yazoo Speculation. There was indeed a fraud perpetrated in that vast real estate deal, but it was one in which Patrick Henry was in no way concerned. Jefferson had confused two separate transactions concerning some Georgia lands.^a Patrick Henry was connected with an ordinary speculation, in which he and other honorable citizens had formed a partnership for the purchase of Georgia property. The venture was not successful. It was abandoned. No one got the land—and Patrick Henry's part in the transaction ended, as it began, honorably. The affair had no connection with the Yazoo speculation and there was no voice raised against him, not even a whisper, until Jefferson made the charge long after the event. At that time he also connected the name of Patrick Henry with the purchase of Continental paper at its lowest price, and its sale at the highest price when Hamilton put through the Funding Act. This last indictment Jefferson made in a letter to Washington, a letter in which he admitted that the charge was based on statements of Arthur Campbell, an "enemy of P. Henry," described by a contemporary as "mean-spirited

^a Abernethy is probably right in saying that influence in Virginia politics "was of first rate importance." But in the case of the Western lands, there was more than the question of influence involved. The whole problem of expansion into uncharted territory, the political (local and national) interests at stake, and the enlargement of trade and commerce also played their part. That Patrick Henry expanded his land holdings in the process is indisputable. So did most of the others. But that there was any moral obloquy attached to the speculation is not shown. Jefferson also had an interest in the Loyal Company and when he succeeded Henry as Governor of Virginia he continued his predecessor's policies in respect to the Western lands.

and jealous." No wonder he was an enemy of Patrick Henry. It was Arthur Campbell whom Patrick Henry had removed from office as County Lieutenant of Washington County, for his efforts to disrupt the Western territory of Virginia and establish the new "State" of Franklin.

To the end of his life Jefferson pursued with relentless purpose the memory of Patrick Henry. In 1824 he told Daniel Webster that "Henry was originally a bar-keeper, couldn't write, had no books," and was vicious and ignorant in his speech. In his heart, he said, Patrick Henry preferred the company of low society. To the last, the aristocrat of Monticello never forgave the upstart from Hanover.

The prematurely old man was more tranquil now than he had ever been in his life before, with a new-found peace that gave his heavily wrinkled face a forbidding solemnity, devoid of the old gaiety save when a smile lit up the deep-set, faded blue eyes and revealed the fine, firm teeth, white and sparkling as ever. At such times the old, engaging charm, the bright twinkle, the quick intelligence of the man warmed the hearts of all who met him.

Many people came to Red Hill to visit the famous patriot. They would stay only a short while, and leave before his strength was taxed too greatly. He needed some of it for the three thousand acres at Red Hill, which he called one of "the garden spots of the world." It was a place of great beauty, wild in the far reaches of the wooded slopes grown thick with oak and ash, poplar and pine; and wilder still with the breath-taking abandon of the lofty hills beyond, and the incorruptible peaks of the Blue Ridge Mountains.

Patrick Henry, as he walked the grounds before the simple, weather-stained house, was thinking more and more of God. Never formally religious, he was always a devout man. From the earliest days when his mother took him to church in her double-seated gig, he had been a member of the Protestant Episcopal Church, and had received the communion a number

of times—"as often as an opportunity was offered," he said. There had been few opportunities in the years that had passed over him, yet the idea of God, like the idea of liberty, was never far from his thoughts. And these ideas were never involved in dogma or concerned with rites. They *were*, and he lived according to their spirit, unhampered by philosophical and metaphysical searchings. The French Revolution, the Revolution at home, his withdrawal from the violence of men and the violence of factions, had made him more keenly aware of the need for some spiritual stabilizer not easily found on earth.

On his travels over the circuit his baggage had been a light one, but often it had included a few copies of Soames Jenyn's *View of the Internal Evidence of Christianity* as well as of Butler's *Analogy*. He had even printed an edition of each of them at his own expense, to give to the frivolous younger generation. When he read a copy of Thomas Paine's *Age of Reason*, he conceived that it was irreligious—indeed, an attack on religion. To refute it, he had carefully prepared an answer more sentimental than logical. He read the manuscript to his assembled family as it grew in length if not in force. He completed it, and then destroyed it. The new defender of the faith was not pleased with his handiwork, even if others thought that it was "the most eloquent and unanswerable argument in the defense of the Bible which was ever written."

The Bible needed no defense. To read it was enough for anyone. Patrick Henry read it often now, alone, and to his children and grandchildren. Every morning, before breakfast, he sat down to read it, because "this Book is worth all the books that ever were printed, and it has been my misfortune that I never found time to read it with the proper attention and feeling until lately. I trust in the mercy of Heaven that it is not yet too late." Religion, as he wrote to his daughter Betsy, in this summer of 1796, was "of infinitely higher importance than politics."

The Jay Treaty with England, signed, and before the Senate for approval, set off the animosities which had simmered for a

while and now once again boiled over. Republican papers had not failed to portray President Washington as the perfidious friend of Albion, the inveterate foe of the democrats. Other papers were printed, confidential proceedings within the cabinet, on the question of the war between France and England. By forthright comment or sly innuendo, it was made to appear, as the President complained, that he was guilty of conduct "as could scarcely be applied to a Negro, to a notorious defaulter, or even to a common pickpocket." It was also intimated in letters and statements attributed to him that he was the enemy of the one man for whom he had the highest regard, the man to whom he had already tendered the highest honors. Patrick Henry was the object of a new campaign of schism. Jefferson was the leader of the opposition to the Treaty, an opposition that was finally overcome when the Senate gave its approval. But that was only after words had given way to actions, after Hamilton had been stoned and Jay burned in effigy.

Patrick Henry, learning of all this, was once more concerned with politics. When he came to Richmond on his infrequent visits, he criticized the Republican attacks and deplored the dangers they forebode for the country. And he was accused, this time by some of his former friends, of having changed his mind about the Constitution, about the Federalists, about the liberties of the people that were threatened by both.

It was untrue. He hastened to deny it. "I am too old to exchange my former opinions, which have grown up into fixed habits of thinking. True it is, that I have condemned the conduct of our members in Congress, because . . . they, in effect, would have surrendered our country bound, hand and foot, to the power of the British nation. . . . The treaty is, in my opinion, a very bad one, indeed. . . . These sentiments I did mention in conversation in Richmond, and perhaps others which I don't remember." And he went on: "I see with concern our Commander-in-Chief most abusively treated—nor are his long and great services remembered. . . . If he, whose character as our

leader during the whole war was above all praise, is so roughly handled in his old age, what may be expected by men of the common standard of character?"

Patrick Henry was essentially right in his views, though to Republicans and Federalists alike he seemed to be wavering in his beliefs. He was against the power of the Federalists and its frequent perversions. He was against the passion of the Republicans and its many delusions. He was afraid of Republican sympathies for France while he excoriated the Treaty with Britain. Neither side had a monopoly on virtue—but the virtue of Union was beyond all further debate. He would support it, if not with a full heart, then with a resolute determination not to suffer its destruction. He would lend neither his name nor his prestige to any scheme of schism in the country.

Washington's second term was nearly over. He refused another one. In his farewell address of September, 1796, he told the people of his resolve to quit public life forever. And he warned them to beware of sectional jealousies, to be on guard against partisan prejudices, and to shun "permanent alliances with any portion of the foreign world" or entanglements with alien governments. It was an address filled with forbearing of his enemies and encouragement for his friends—the friends of "good laws under a free government." It was a noble leave-taking of a country that had honored him so well and which he, in turn, had so faithfully served.

With his impending retirement, the bars were down. The contending parties were free to fight the campaign for a new president without fear or favor. The Anti-Federalists, some of whom called themselves Democrats in defiance of the British sympathizers and supporters of the Administration, considered Thomas Jefferson as their leader—and candidate. John Adams, who made no secret of his opinion that he wanted "a government by an aristocracy of talents and wealth," was the choice of the Federalists.

As the campaign grew bitter with insult and invective, it was

pointed out by the Democrats that John Adams, for two terms the Vice-President under Washington, had supported everything the Administration had wanted. On many occasions he had cast the deciding vote in the Senate with the enemies of the people. He had written a *Defence of the Constitutions of Government of the United States of America* in three volumes, a gigantic work of keen insight and great erudition, which even Jefferson read "with infinite satisfaction and improvement." Yet the strong thread of argument running through the whole treatise was the relative advantage of an absolute monarchy over most other forms of government, or the alternative of a powerful executive elected by the people, with a system of checks and balances on both. Adams had no objection to the Constitution of the United States except for the power granted to the Senate over appointments. He believed in equality, but he also believed that the weak must be protected by a powerful executive. Adams won. Elected by a margin of three votes, he became the second President of the United States. Patrick Henry's name had been considered as a candidate for Vice-President, but he had declined. The publication of Jefferson's letter to Philip Mazzei, casting aspersions on Washington; the tactics of both sides; the heat and venom engendered everywhere, persuaded him that no matter what might be at stake, he could not be enticed into that arena.

Let the urgency be what it may, he would stay in the "Garden Spot of the World," where the air was pure and the earth fruitful. The hills were serene and silent, the heavens calm and clear. There was no confusion at Red Hill.

Jefferson was smarting under his defeat. True, he had become the Vice-President, having won the next high number of votes. But this was an unimportant role he must play. Patrick Henry had not supported him. Jefferson believed that he had been won over by the Federalists. "Most assiduous court is paid to Patrick Henry," he had written to James Monroe. Some of the Federalists even wanted Patrick Henry to run for the highest office of all—for the Presidency of the United States. Had he accepted their

overtures he, not Adams, might have been the second President. But Patrick Henry was not their man.

The Virginia Legislature, which had wanted Jefferson as President, now wanted Patrick Henry as Governor. In November it proceeded to elect him to that office for the sixth time. All the Republicans, all the followers of Jefferson, voted for him.

As he had refused many other honors, so he refused this one, too.

[5]

Writing to the Virginia Legislature that he could not accept the election as Governor, Patrick Henry informed it that "my declining years warn me of my inability." During these years his habits, like his thinking, had changed but little. He still avoided all alcoholic stimulants, refused all wine and abhorred all tobacco. If anyone smoked and sought to hide the offense, he would search out the culprit and order him to stop it. No moral question was involved in the interdiction. The odor of tobacco was repulsive to him.

The evening, when the visitors had left, was perhaps the best time of all. The day done, he could spend the short hours before bedtime with the children, perhaps amusing them with an old tune on his violin, which he fingered with little of his old agility. He had rarely had the leisure to know and enjoy his children. They had come so quickly, so often, there were so many of them—fifteen in all.

He could tramp no longer in the woods, nor ford a stream. If he had to cross one, the powerful Negro, "Uncle Big Solomon," would carry him over on his broad shoulders. It was a disconcerting journey for a man who had never needed such help as this before.

Dolly, in all things, was the one sure guide of his declining years. Still young, she would survive him, and when he was gone she would marry again—his own cousin, Judge Edmund Winston.

In the end, when she herself would go, it would be the name of Henry and not Winston that would mark her grave.

[6]

England and France were at war. The Jay Treaty had almost made of America, the former enemy of Britain, an ally, and of France, the former friend, an enemy. It was a paradox of politics that had split the country and divided the lovers of liberty into hostile camps. The merchants wanted to trade freely with all the world—even with their former enemies who were at war with their former friends. The Federalists believed that Britain was too powerful to offend and France too overbearing to ignore. England had once been put in her place; now France was taking the high hand. Napoleon Bonaparte had already invaded Italy, and his victories had given a new tone to the demands of the French. They were raiding American commerce; they had sent the American Minister packing; and a virtual state of war existed between the two nations who had fought side by side in the American Revolution.

To prevent open hostilities, President Adams sent three Ministers Extraordinary to Paris. It was their mission to deal directly with the French Foreign Minister, Talleyrand. But Talleyrand would not even see them. He sent his emissaries instead, not to parley, but to demand, in advance of any negotiation, a virtual bribe. He wanted at once the sum of fifty thousand pounds, and a loan of a still greater sum. To American sensibilities, the proceeding was insulting and sordid. Published as the XYZ papers, the details of the negotiations caused a furor unique in the short history of the United States, and joined both Federalists and Republicans in a common policy—"Millions for defense, not a cent for tribute."

War seemed imminent as Washington was recalled from Mount Vernon to assume once more his duties as Commander-in-Chief. To the Federalists it was clear that the French, with their peculiar

notions of liberty, equality and fraternity, their disconcerting views on religion, and their assaults on other peoples, must be brought to book. It would be England and America this time, against France.

It was a time, also, when the Federalists seriously believed in the possibility of ridding the country of the more intransigent Republicans, whose dissensions within their own ranks had impaired the unity that was once their strongest weapon.

To rout them entirely the Federalists passed two laws that were peculiar indeed in a country that had paid so dearly for its freedom. The maneuver was a colossal error on the part of the Federalists, and one that would cost them their power.

The Alien and Sedition Acts of 1798 were intended to accomplish the deportation of all aliens the President should declare to be dangerous to the liberties of America. In the event of a threatened invasion, all subjects of hostile powers could be imprisoned or sent abroad. If anyone, alien or citizen, was found guilty of sedition, of opposing the government, of conspiratorial combinations, or of false or scandalous writings concerning Congress or the President, with intent to induce contempt or a number of other enumerated crimes, harsh and swift penalties were to be imposed on the offenders. The Alien and Sedition Laws were a tightly woven net in which most of the dissenters from governmental policy could be caught, and held.

Strange laws for a free country. That, in any event, was the opinion of the Republicans, as their leader, Thomas Jefferson, at once began the task of rousing his fellow-countrymen against them. The proof of this new tyranny was clear and indisputable.

Republican editors were in jail. Some of them had been ruined by impossibly heavy fines. Anyone who ventured an opinion considered disrespectful to John Adams or his policies was arrested, tried and convicted with dizzying dispatch. Even the Federalists were becoming doubtful about this swift reversal of the guarantees which the Constitution—their Constitution—had given to the people. John Marshall, who believed in a “well-

regulated democracy" did not believe in such regulation as this. Alexander Hamilton, who had doubted the virtues of any democracy, equally doubted the virtues of energetic remedies like these. "Let us not establish a tyranny," he said. "Energy is a very different thing from violence."

Jefferson's campaign against the Alien and Sedition Laws was beginning to bear fruit. Kentucky, once a part of Virginia but now an independent state, was already debating the resolutions prepared by Jefferson, resolutions which breathed defiance of both Congress and its laws. Kentucky would oppose them all, "whensoever the general government assumes undelegated powers." In such cases, "Its acts are unauthorized, void, and of no force."

At the same time, Jefferson had sent a copy of these same resolutions to Madison, who introduced his own version of them in the Virginia Assembly. Both states passed them promptly—and other states also agreed with the basic thesis they so forcefully upheld. It was nothing less than the new doctrine of nullification, seriously advanced and seriously intended. If a State decided that an act of Congress violated the Constitution, it would proceed to modify the act, or even to nullify it. If necessary, it would be done by force of arms. Virginia, for one, was ready to use them now.

Turning for a moment from the Bible, Patrick Henry considered these developments in the State of Virginia and in the United States of America. He had fought the Constitution—and achieved the Amendments. Free speech, a free press, all the civil liberties were precious to him now as they had always been. But nullification? But disunion?

He had slight sympathies with France, the new France that had emerged from the bloody chrysalis of the Terror. Jefferson could call him an apostate as Paine had called Washington, but he was still concerned with liberty—liberty under the law. He had wanted it when he opposed the Constitution, when he was fearful of the very abuses that were now perpetrated in its name.

He had not changed—the times had changed. In the face of world-wide dangers to America, only a united America could confront and overcome them. If the Constitution could be interpreted by each state for itself, the laws of Congress nullified by each state as it pleased, there was no common defense possible, no unity could be effective, no United States assured. When the nation was threatened by division, he would give no aid or comfort to the men who tried to divide it.

Sovereignty was needed, in a nation as in a man. Self-direction was necessary for the enlargement of one as of many. Were there to be no curbs, either of self-discipline or the discipline of the law? In such a case liberty could be less than freedom. It could be a denial of freedom. Civilization, the democratic process, progress, the revolutionary ideals, were not to be won without the restraints which the nature of man as well as the nature of government imposed. The restraints might be evil ones, like the Alien and Sedition Acts; they might stifle liberty; they might, as they had in the past, replace one evil by another still worse. It was the business of alert and honest men to prevent it. Eternal vigilance was the price of liberty. But vigilance must come from the people, through government, by law. Without law liberty was anarchy. Without union, law was powerless. Without order, nothing was safe—neither law nor liberty. Liberty was not an escape from one form of tyranny to another, nor freedom a mere exchange of despotisms.

It had been so in the past. It was so, even now, in France, where law was set aside, and liberty debased, and a new despotism had replaced the old one. Patrick Henry had prophesied that it would be so. The French, he said, were "incapable of liberty. Their revolution will terminate differently from what you expect—their state of anarchy will be succeeded by despotism, and I should not be surprised if [Napoleon] should, Caesar-like, subvert the liberties of his country." The French had been divided, and they would be conquered. Patrick Henry would not let it happen in America if he could prevent it.

In this struggle between the Republicans and the Federalists, in the new issue of nullification, the old question of sovereignty was involved once more. Considered settled once, it had never really been settled at all. Now it was again in the minds of the contenders for states' rights.

The master of Red Hill also had it in mind. He had never quite forgotten it in the years since he had been the greatest spokesman for state sovereignty. But he was now convinced that the nation came first in the loyalties of its citizens. If the nation was to survive and prosper, the role of the states must be subordinate to the Union. National sovereignty was of supreme importance now, when France's "conduct has made it the interest of the great family of mankind to wish the downfall of her present government."

It was for these reasons that Patrick Henry gave his support to the Federalist John Marshall in his fight for Congress in 1799. Marshall had defended the United States with dignity and firmness in the controversy with France. He had spoken against the Alien and Sedition Laws, though his own party had placed them on the statute books. Now he was opposed by John Clayton, a Republican, and Patrick Henry, also calling himself a Republican, opposed Clayton and supported Marshall. Henry was motivated by more than a personal liking for the man who was something of a national hero because of his memorials to the French Ministers, memorials which Talleyrand had chosen to ignore, but which the people of America admired and cheered as brilliant and forthright statements of the nation's position. Patrick Henry was incensed at the use of his name, without his consent or his knowledge, in a statement denouncing Marshall as an aristocrat. He resented the tactics of those who stooped to conquer, tactics often unsavory and frequently scandalous. Marshall, he believed, "felt and acted as a Republican, as an American." Had he not himself declared, long ago, "I am not a Virginian. I am an American"?

Marshall was elected. And it was Patrick Henry's influence

that won him the seat, the only one held by a Federalist from the State of Virginia. The confidence reposed in him by the old man of Red Hill was not abused. In the House Marshall decided the fate of the worst sections of the Sedition Law; they were repealed—and his vote was the deciding one.

[7]

As the year 1799 opened, Patrick Henry felt that there was "cause for lamentation over the present state of things in Virginia." There was nothing, however, that he could do to change them. He was "too old and infirm ever again to undertake public concerns."

His beloved State was being torn by factional strife, and friends had become bitter enemies. The old, rigid lines between Republican and Federalist had been bent, at some points even broken. Anti-ratificationists and Anti-Federalists were no longer the same. Political roles had been changed.

Politics also changed, though the stuff of politics was much the same. Patrick Henry, having indulged in the business himself, understood and was saddened by the spectacle. Had he also changed? Had Washington and the others, those who still believed in liberty, but not in some of its latest manifestations? The times themselves had wrought the schisms, and the times had changed. It was equally true of all factions and parties. Pendleton, for whom Patrick Henry was once too radical, was now of Jefferson's party. Once he had approved the Constitution in its entirety. Now he was writing a treatise setting forth six reasons to change it. The indisputable truth was no man's monopoly, the passion for justice no party's unchallenged possession.

Yet men—and parties—acted as if they were. "Men who have been intimate all their lives," wrote Jefferson, "cross the street to avoid meeting, and turn their heads another way, lest they should be obliged to touch their hats." The state was a pit of festering hatred.

Washington, at Mount Vernon, decided that Patrick Henry must help. In a long and moving letter which he marked "Confidential," Washington appealed to the relic of Red Hill to enter the lists again. Why, Washington asked, was Virginia endangering the Union? How did it happen that the opposition to the government had gained such power—a power that was used to destroy, not to build up, to inflame, not to compose, the public mind? "One of the reasons assigned is, that the most respectable and best qualified characters among us will not come forward. Easy and happy in their circumstances at home, and believing themselves secure in their liberties and property, they will not forsake them, or their occupations, and engage in the turmoil of public business, or expose themselves to the calumnies of their opponents, whose weapons are detraction.

"But at such a crisis as this, when everything dear and valuable to us is assailed; when this party hangs upon the wheels of government as a dead weight, opposing every measure that is calculated for defence and self-preservation, abetting the nefarious views of another upon our rights, preferring . . . the interest of France to the welfare of their own country . . . when every act of their own government is tortured, by constructions they will not bear, into attempts to infringe and trample upon the Constitution with a view to introduce monarchy . . . when measures are systematically and pertinaciously pursued, which must eventually dissolve the union or produce coercion; I say when these things have become so obvious, ought characters who are best able to rescue their country from the pending evil to remain at home?

"Vain will it be to look for peace and happiness, or the security of liberty and prosperity, if civil discord should ensue.

"I come now, my good sir, to the object of my letter, which is, to express a hope and an earnest wish that you would come forward at the ensuing elections (if not for Congress . . .) as a candidate for representative in the General Assembly of this Commonwealth.

"Your weight of character and influence in the House of Representatives would be a bulwark against such dangerous sentiments as are delivered there at present. It would be a rallying point for the timid, and an attraction for the wavering. In a word, I conceive it to be of immense importance in this crisis that you should be there; and I would fain hope that all minor considerations will be made to yield to the measure."

Patrick Henry had made up his mind before he reached the end of the letter. He refused the appointment by President Adams as one of the "Envoys Extraordinary and Ministers Plenipotentiary to the French Republic." That was an office altogether beyond his powers to perform. But perhaps there was still something he could do to prevent the dangers so eloquently described by Washington. He would try.

It would need a great effort to leave his sanctuary and shoulder once again the burdens of office; the rounds of speech-making, the crowds and the noise of a campaign, were more than he was able to undertake. But he would undertake them, nevertheless. He would be a candidate for the relatively minor office after refusing the greater ones; he would speak to the people what was in his heart. If it was the last thing he did, he would save Virginia, the country and the Revolution.

For a crisis was at hand. Jefferson acknowledged it in frightening words. It was a time, he said, "when a final dissolution of all bonds, civil and social, appeared imminent." In a time of crisis, whatever the cost, Patrick Henry would not hesitate to do his part.

The news that he was a candidate spread like wildfire throughout the State. As the day of his speech approached, great crowds assembled at Charlotte Court House. They came not only from his own county, but from many counties far distant from his. The plain people, the professors and students from Hampden-Sydney College, the small men and the great, came to hear the voice which had been silent so long, to hear the man who was already a legend for many of them. He had traveled the twenty-

three miles from Red Hill in his carriage over rough dirt roads on this sunny March morning; the massed throng on the spreading green were waiting for the oracle to speak.

To all eyes he appeared old and feeble. Seated on the platform near the tavern, he peered through his glasses at the huge crowds reaching to the court house and beyond. He could see the grand jurors leaving the building and edging closer to listen. His face was colorless, with a pallor upon it of one who was drained of all energy. It was the drawn and haggard face of an old, sick man, in which only the eyes seemed to be alive. He sat heavily in his chair, a dead weight.

He arose slowly, unsteady on his feet. The thin, spare body was bent. As he began, his voice was cracked and tremulous.

The crowd pressed closer to hear him. The magic of numbers revived him. He seemed to straighten, his face lit up with something of the old fire, the eyes came alive with their former glint and sparkle. The voice regained its vigor, his words came clear and resonant "with the intonations of some grand musical instrument whose notes filled the area."

What he said was not put to paper, by him or by others. The remembrance of his words remained long after the event. And this is what they remembered.

The proceedings of the Virginia Assembly filled him with apprehension and alarm. They had planted thorns upon his pillow. The State had quitted the sphere in which she had been placed by the Constitution, and in daring to pronounce upon the validity of Federal laws had gone beyond her jurisdiction in a manner unwarranted by any authority. Such opposition would beget enforcement by military power; military power would produce civil war; civil war would bring foreign alliances. In the end, the country itself would be subjugated.

And if military power was used against them—if Washington himself was at the head of it—what would they do then?

"Where," he demanded, "is the citizen who will dare to lift his

hand against the father of his country, to point a weapon at the breast of the man who has so often led [you] to battle and victory?"

One man in the crowd, who seemed drunk, threw up an arm. As Patrick Henry stopped for a moment to look at him, the man shouted that he dared to do it.

"No," the speaker continued, "you dare not do it. In such a parricidal attempt, the steel would drop from your nerveless arm!" When order was restored, Patrick Henry proceeded.

The state, he maintained, had no right to decide on the constitutionality of federal laws. He passed no opinion on the Alien and Sedition Acts, though his audience might have wanted one. He had ensured the election of John Marshall—and John Marshall had repudiated those laws. Whatever his private views, there was only one matter that was of prime importance now. The Union was paramount to all other questions, and it could be saved only by enlisting the people's respect for its laws. Good or bad, the laws must be upheld. If destroyed, then the Union would be destroyed along with them.

Were those laws bad? Were they unworthy of a free people? Then the people themselves had the remedy. They alone held the reins over the head of Congress, who are "as much our representatives as the Assembly."

He had once seen the dangers of granting to the general government unlimited powers, but he had been overruled. "Now it was necessary to submit to the constitutional exercise of that power."

Was he being too cautious, too timid, in his old age? Was the revolutionist turning coat, and yearning for peace, peace, when there was no peace? Was he counseling submission who had once cried out "We must fight?" Was the difference between a foreign despot and a domestic tyrant so great, the principle of liberty so variant?

"If," he proceeded, "I am asked what is to be done, when a

people feel themselves intolerably oppressed, my answer is ready. Overturn the government! But do not, I beseech you carry matters to this length without provocation. Wait at least until some infringement is made upon your rights, and which cannot otherwise be redressed. For if ever you recur to another change, you may bid adieu forever to representative government."

"Let us," he pleaded in a final effort, "let us preserve our strength for the French, the English, the Germans, or whoever else shall dare to invade our territory, and not exhaust it in civil commotions and intestine wars."

As he slumped back in his chair Dr. Rice, who had watched him carefully, saw what the effort had cost him. "The sun," he said, "has set in all its glory."

It was a noble effort, a long and exhausting one. It would win him a seat in the House of Delegates—but he would never live to fill it.

[8]

Thomas Jefferson, writing to Archibald Stuart on May 14, 1799, explained Patrick Henry's response to Washington's appeal in a manner that was at best charitably patronizing and at worst subtly insulting. "His Apostasy," he said, "must be unaccountable to those who do not know all the recesses of his heart." Always, however, Patrick Henry was guided by his simple belief in liberty. At the end, as in the beginning, he saw the goal clear and plain, however involved the ways and the means to attain it.

He had used his great powers as a speaker, as an actor, on the stage of the Revolution, for what he had conceived to be the purposes of the Revolution. He had wielded the weapon of politics to further his principles—though politics and principles were not always synonymous. Rarely befogged by personal prejudice or low ambitions, his first blow had been for freedom—his last for unity. If he had erred in his fight on the Constitution, a fight that might have undone the work of the Revolution, he

had atoned for his error. If he was indeed an apostate—he had never been an apostate to freedom.

His greatest labors had been on the Virginia scene. Despite his belief that he was an American first, his deepest love, his profoundest concern, had been for his native State, which he never left save briefly as a member of the Continental Congress. When he spoke of his country, his mind encompassed the Union while his heart, his interests, his most intimate ties lay in the Old Dominion, his homeland. For Virginia he had wanted that liberty which appeared threatened by a new colossus as once it had been threatened by an old one. And all his struggles, for Virginia and the nation, had been waged to conserve that liberty.

It was too late to struggle any more. The long ride home from Charlotte had completed his collapse. He was put to bed, the ever-faithful Dolly hovering over him like a guardian angel. He became emaciated, shrunken, wracked by fever and tormented by the pain of an intestinal disorder.* The once strong body lay helpless, worn and spent before its time.

Dolly's ministrations were futile. The remedies of the doctors were useless. The best of them knew little or nothing about his illness. Doctor George Cabell, one of the greatest, hurried to his bedside from Lynchburg, forty miles away; but he brought no help.

In April, Patsy, the dying man's daughter, arrived from Henry County. Other children quickly gathered together. Twelve of them were living, though not all of them were at Red Hill. Some of them could not come. They were attending his daughter Anne, who was also close to death.

Of this they said nothing to the father. When she died soon after, they still kept the knowledge from him. The note sent him by her bereaved husband, Judge Roane, was withheld. "The

* There was, presumably, a blocking of the large intestine by an infolding of the small intestine. The medical term of the condition is intussusception. I am indebted to Dr. Joseph Klein, FACS of Hartford, Conn., for his help in clarifying this disease for me.

cup of my misery," it read, "is now full, by the loss of my most amiable, virtuous, and affectionate consort." There would be time to tell him later, when he was stronger.

Patrick Henry, in his rare moments of release, encouraged his children to believe that he would recover. He wanted to sit up in his own chair, to pen a brave and apologetic note to President Adams, declining another appointment. He knew, if Dolly and the children did not know, that he would never keep another appointment, except the inevitable one. His strength, his will to live were gone.

On June 6, Dr. Cabell, having tried everything else, proposed one final and drastic remedy. Dolly and the children had left the sickroom. Dr. Cabell and his patient were alone. As the doctor handed him the vial of liquid mercury, the dying man asked him, "I suppose, Doctor, this is your last resort?"

"I am sorry to say, Governor, that it is. Acute inflammation of the intestines has already taken place, and unless it is removed mortification will ensue, if it has not already commenced, which I fear."

"What," Patrick Henry questioned in a small, weak voice, "what will be the effect of this medicine?"

"It will give you immediate relief, or . . ." The sentence was not completed.

"You mean, Doctor, that it will give relief or will prove fatal immediately?"

Dr. Cabell slowly replied, "You can only live a very short time without it, and it may possibly relieve you."

Patrick Henry considered for a moment. Then he took the vial in his hand. Weakly, he drew over his eyes the silken cap he was wearing. Almost audibly, he prayed, for his family, his country and his soul. In another instant he had swallowed the contents of the vial.

As the family was called in again, Patrick Henry, small and sunken, though strangely calm, whispered that the pain was gone.

He was at peace, he whispered, and thankful to God who had blessed him his whole life through.

His breathing was soft, slow. Then it stopped. He too was gone. The Voice of Freedom was stilled forever.

THE END

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